



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

LIBRARY
UNITED STATES BUREAU OF EDUCATION,
DEPARTMENT OF THE INTERIOR.

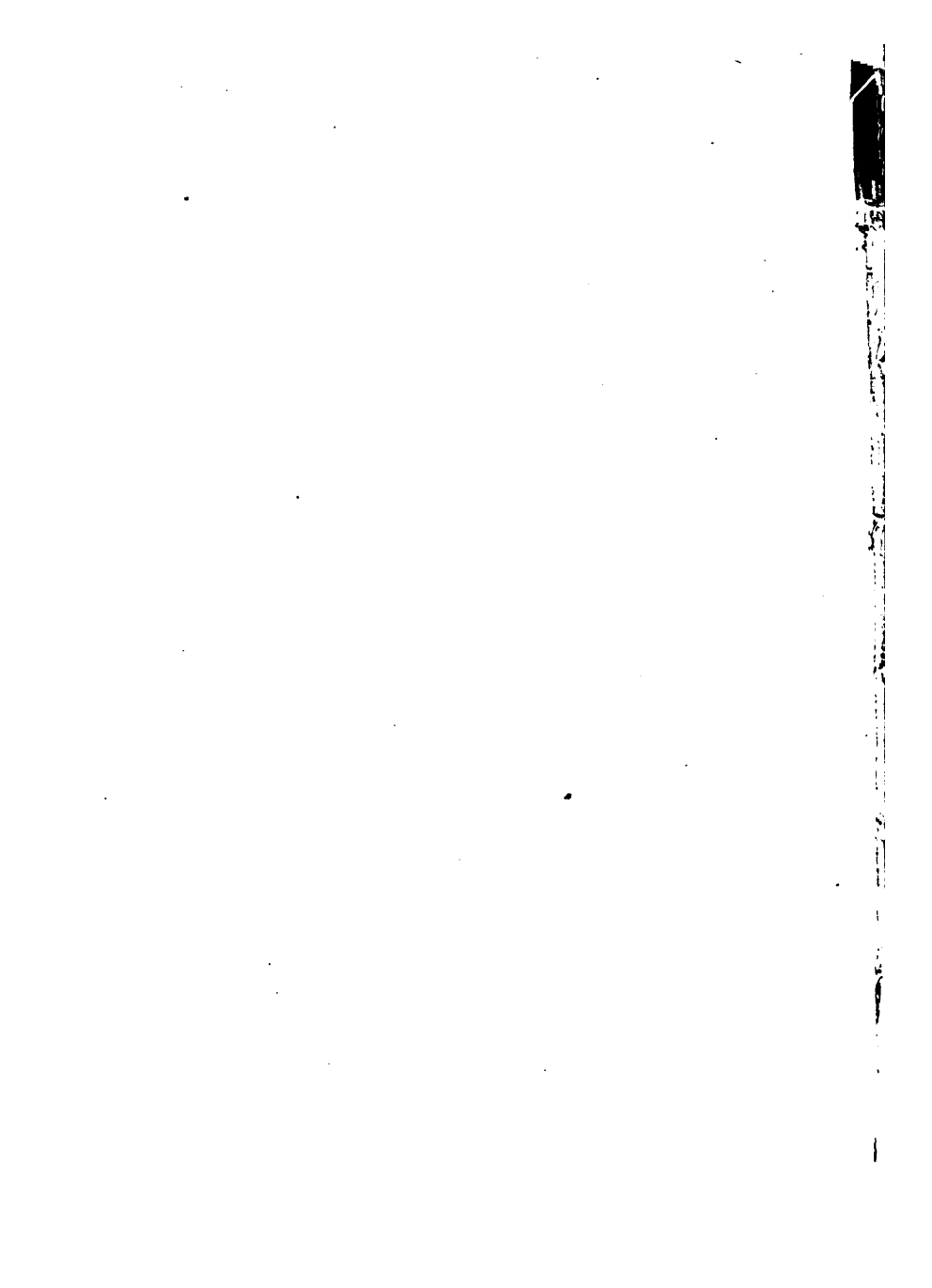
— ♦ ♦ ♦ —
Entry Catalogue Number

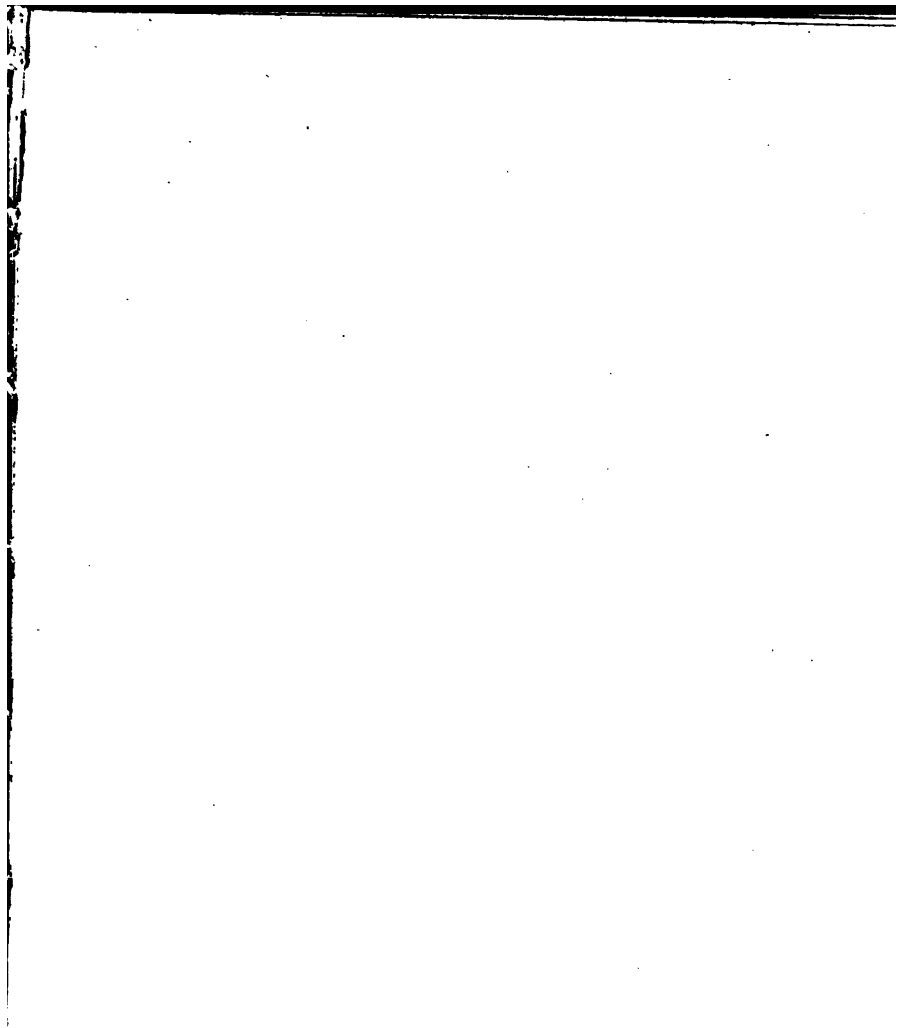
69041

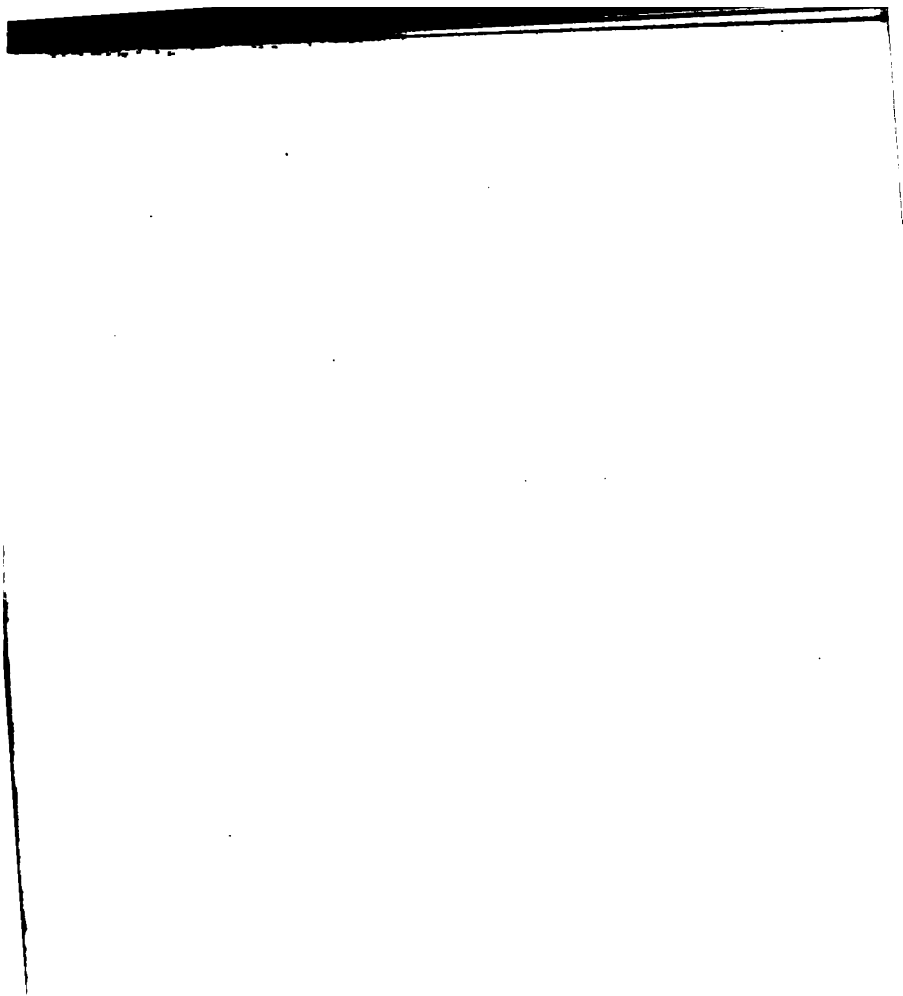
Class 342.7 - N57

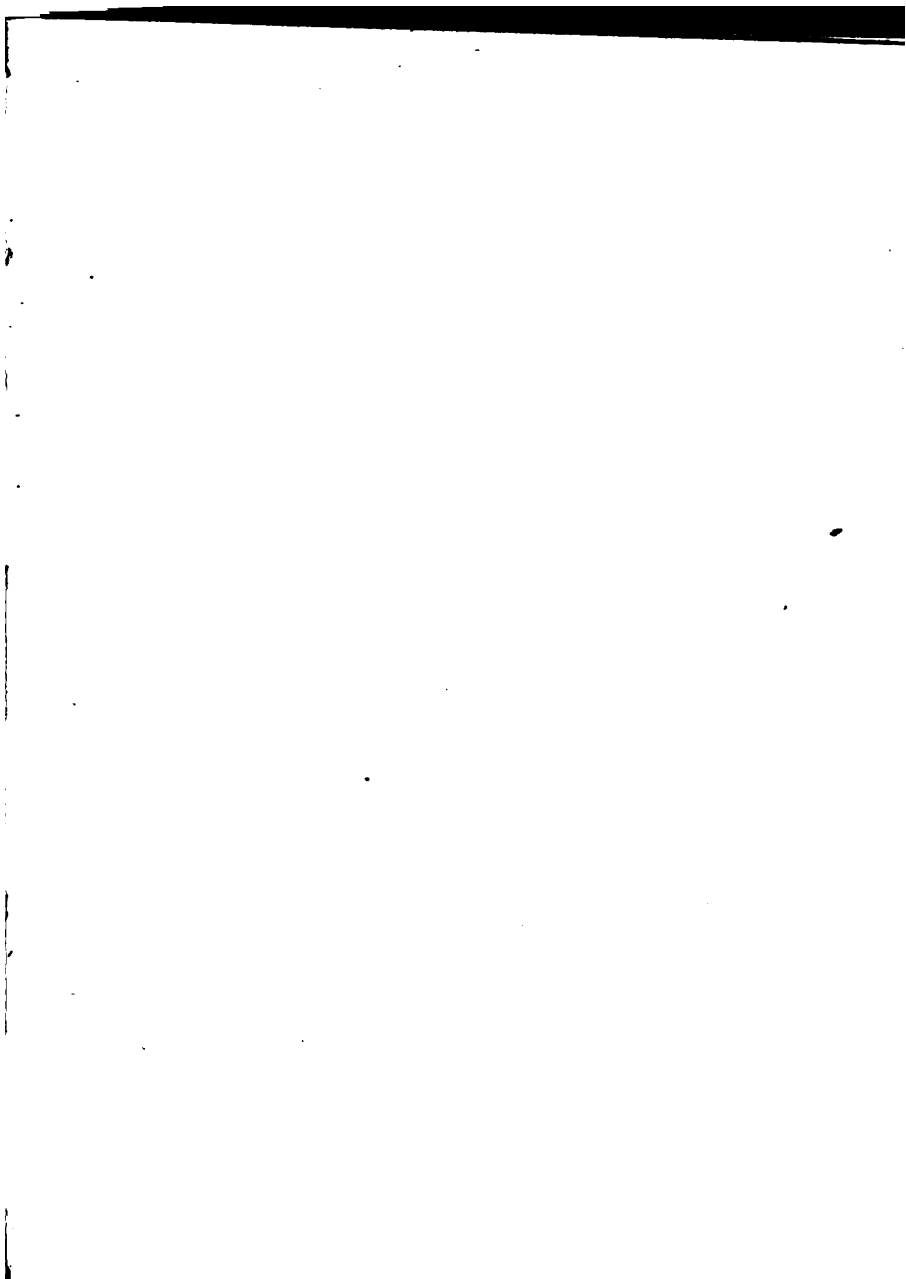
— ♦ —
PRESENTED BY

JK
5825
.1895
.N615









NOTES OF CHANGES IN THE LAW

After this book had been partly printed the legislature of 1897 abolished the office of township drain-commissioner. Accordingly the following paragraphs should be altered. The changes will be incorporated in future editions.

Page 27.—The office of township drain-commissioner is abolished.

Page 39.—For paragraph *h* read as follows:

For the benefit of the public health, convenience and welfare, drains and ditches are established in the county. Locating and determining the course of these drains is the principal duty of this officer. He determines what property is benefited by such drains, and assesses the same accordingly. He has exclusive jurisdiction over all drains that are within his county, except in cases where the benefits to be derived therefrom, and the assessment for its construction, extend to lands situated in one or more adjoining counties, in which case such drains are laid by the commissioners of such counties acting jointly.

Whenever a drain traverses more than one county, the commissioners of such counties act together in all matters concerning the laying out and construction of such drains.

\$1.00

—A—

GOVERNMENT CLASS-BOOK

OF THE

STATE OF MICHIGAN

BY

69041

CHARLES W. NICHOLS

ATTORNEY AT LAW



6-1897

Albion

SYRACUSE, N. Y.

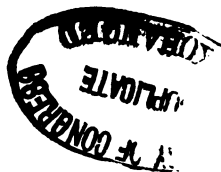
C. W. BARDEEN, PUBLISHER

1897.

Copyright, 1897, by C. W. Bardeen

BY TRANSFER

MAY 8 1968



GOVERNMENT CLASS-BOOK

1877-1878

© 1901 S.

GOVERNMENT CLASS-BOOK

INTRODUCTORY

CHAPTER I

DEFINITIONS AND GENERAL PRINCIPLES

1. Civil government, meaning.—Government is defined as the act of governing, or the state of being governed. To illustrate, the parent governs the child, the teacher the pupil, the master his servant. Three elements are implied from the definition, viz., a governing authority, something to be governed, and the act of governing by command or direction. Civil government is the application of this definition to a community of individuals existing in a civil or peaceful state, as distinguished from military government, or the government of men in a state of war.

2. Necessity of civil government.—As government in the family or in the school is necessary, so is government in communities. Every person has certain natural rights, such as the right to life, liberty and the enjoyment of property, which every other person ought to respect. But it is the natural

disposition of man to do evil, and so long as this is true these rights are not secure. Civil government is the means whereby these rights are protected; that is to say, the people of a community agree to establish a governing authority, and to be governed thereby. It is simply a matter of protection to each.

Civil government exists for other purposes than the mere protection of mankind in his natural rights, but it is here spoken of as a necessity.

3. Different forms of government.—As civil government is the act of governing a community of people in a civil state, a governing authority must exist somewhere. The difference in the location of this authority gives rise to three different forms of government, viz., Monarchies, Aristocracies, and Democracies.

A *monarchy* is that form of government in which the governing authority is vested in one person. A monarchy may be absolute or limited. In an *absolute* monarchy the people have no law but the will of their ruler, who may be tyrannical, oppressive, and vicious. This is the most obnoxious of all forms of government, and grows less and less prevalent. Russia and Turkey are examples of this form of government. In a *limited* monarchy the power of the monarch is restrained by some other power, or by some higher law. England is a good example of this.

An *aristocracy* is a government in which the gov-

erning authority is held by a few, distinguished by their rank and nobility. This form is usually maintained in conjunction with some other; *e. g.*, the House of Lords of England is an aristocracy, yet it is a part of a limited monarchy.

A democracy is a government in which the governing authority is exercised by the people originally, and not through any one man or body of men. It is impossible for this form of government to prevail anywhere but in small communities, as it is impracticable for the people of a state or nation to meet and enact their laws in person. Our townships afford an excellent illustration of this form of government.

4. Republican form of government.—This form of government is often called a *representative democracy*; that is, the governing authority is vested in representatives elected by the people to act for them, instead of the people acting directly themselves, as in the case of a pure democracy. The representatives are supposed to act the will of the people, not their own, and it is therefore called a representative form of government. This is the form prevailing in this country, and which we shall study.

CHAPTER II

OBSERVATIONS ON OUR FORM OF GOVERNMENT

5. Division of powers between State and National governments.—The student has learned from the study of the geography of his country that the United States as a civil unit is made up of numerous other civil units called States. In each there exists a republican form of government, with a governing authority established by the people to which he owes obedience. He naturally questions how he can live under two governments and yet obey both. The answer is simple. Each one is his governing authority in certain relations. The government of the United States is possessed of supreme, absolute, and uncontrollable power over certain relations throughout all the States, while the government of his own State has like complete power, within its limits, over other relations. What these relations are over which each government exercises control, will be made to appear as the student proceeds.

6. Constitutions.—From the foregoing we are led to inquire how and where these relations are divided and classified, and these different governing authorities established. It is by means of written consti-

tutions. A constitution is defined as that body of rules and maxims in accordance with which the governing power is exercised. It is a written law enacted directly by the people themselves. In the constitutions both of the United States and of each of the States, a governing authority is first provided for, relations upon which that authority can or cannot act are defined, limits are prescribed for the exercise of the governing power so as to protect individual rights, and the manner of exercising such power is proclaimed. In short, it is the absolute rule of action for all governing authorities, in opposition to which any act of such authority, or even of the people themselves, will be altogether void.

7. Division of powers of government.—The powers of government are exercised in three directions, viz., the *making* of laws for the government of the people in both their private and public affairs, the *enforcement* of such laws, and the *interpretation* of such laws in special instances. In an absolute monarchy all of these powers are exercised by one person. In our form of government they are exercised by three distinct departments, viz., the *legislative*, *executive*, and *judicial*. The legislative department exercises the first power, that of making laws; the executive is entrusted with the enforcement of such laws; while the judicial department is created to administer justice to the citizens by declaring what the law and facts are in cases where disputes arise.

Thus our governing authority is divided into law-making, law-executing, and law-interpreting departments. Each is independent of the other, but all are subject to the instrument of their creation, the constitution.

REVIEW QUESTIONS

1. Define civil government.
2. Why is government necessary ?
3. Give the different forms of government and describe each.
4. How are the powers of government divided between State and Nation ?
5. Where are these powers divided and classified ?
6. What is a constitution ?
7. How are the powers of government divided ?
8. What are the functions of each ?

CHAPTER III

LOCAL GOVERNMENT

8. Definition.—The term “local” pertains to a limited portion of space, and local government means government as applied to small or limited localities. Hence under the division of local government we study civil government as it is carried on within the smaller geographical divisions of the State, such as the *school district*, the *township*, the *county*, the *city*, and the *village*.

9. Nature and functions of local governments.—Each one of the territorial divisions of the State is a body corporate, with such powers and immunities as are conferred upon it by law. A body corporate is nothing more or less than a corporation, and the latter term is defined as a body, consisting of one or more natural persons, established by law for some specific purpose, and continued by a succession of members. The specific purpose for which the corporate bodies about which we are studying are created is a public one, and may be said to be :

First.—To assist in the civil government of the State, and

Second.—To regulate and administer the local affairs of their particular districts.

In its primary and fundamental idea, a local government is an agency to regulate and administer the internal affairs of a defined locality in matters peculiar to such locality, or at all events not common to the State or people at large ; but it is the constant practice of the State to make use of these local governments, or their officers, to exercise powers, perform duties, and execute functions not strictly or purely local in their nature, but which are, in fact, State powers, exercised by local officers within defined territorial limits. In the study of civil government as it is carried on within these localities, we shall discover that some of them are invested with greater local powers than others ; while on the other hand one local government has vastly more to do with the exercise of State powers proper than another. Hence, the student should constantly endeavor to discriminate between those powers and duties which are purely local in nature, and those which are a part of the State government proper.

10. Corporate powers.—Aside from the duties imposed upon these various local governments in relation to the administration of the laws, they are possessed of certain other powers of a more private character, such as the power to sue and be sued, buy and sell real and personal property, and make contracts in relation to their corporate property.

11. Importance of local self-government.—It is important in any enlightened country that local affairs should be managed by local authorities, and general affairs only by the central authority. The needs of a small locality are more thoroughly understood and can be better provided for by the inhabitants of that locality, than by any distant authority. The recognition and adoption of this principle of decentralization into our system of government is both wise and salutary in its effect. It brings the governing authority as near as possible to the subject on which it is to act; it breeds self-reliance and independence in the people; it fosters and encourages familiarity with public affairs; and in fact seems a very part of the nature of our race.

REVIEW QUESTIONS

1. Define local government.
2. Enumerate the different local governments.
3. What is the nature of local governments?
4. What is a body corporate?
5. Define a corporation.
6. What are the functions of local governments?
7. What are their corporate powers?
8. What can you say of the importance of local self-government?

CHAPTER IV

GOVERNMENT IN THE SCHOOL DISTRICT*

12. The school district.—Each township is divided into school districts. Incorporated cities and villages usually constitute one school district. School district governments are established for but one purpose, the support and management of the public schools within their territory.

13. District meetings.—(a) *Time of holding.*—There are annual and special meetings. The annual meeting is usually held on the first Monday of September in each year, but it may, if the district so determine, be held on the second Monday of July in each year. Special meetings may be called any time by the district board.

(b) *Qualification of voters.*—Persons who are 21 years of age and have property assessed for school taxes, and who have resided in the district three months, may vote on *all* questions. All other persons of the above age and residence, and who are the parents or legal guardians of children included in the school census, may vote on all questions not directly involving the raising of money by tax.

*A reference to the general school laws or to Hammond's "School Law of Michigan" will materially aid the student in the study of this chapter.

The student should be careful to note here the fact that persons possessing no taxable property are not allowed to vote on questions where taxation is involved.

(c) *Powers of voters.*—The powers of voters at school district meetings may be classified as follows: *Elective, legislative, and administrative.* By virtue of the first power, they elect all necessary district officers; by virtue of the second, they vote taxes to purchase or lease building sites, or to build, hire, or purchase schoolhouses, or to keep them in repair, and to provide for the necessary appendages and apparatus; by virtue of the third power, they designate sites for schoolhouses, direct the district board to purchase or lease such sites, and to build, hire, and purchase schoolhouses. They also direct the sale of any district property when it is no longer needed, make such provision in relation to the law-suits of the district as they may deem necessary, and determine the length of time school shall be taught in their district the ensuing year.

14. District officers.—At the annual meeting there are elected by ballot a *moderator*, a *director*, and an *assessor*. These constitute the district officers. They all hold office for three years. Any person who is a qualified voter in the district, and has property assessed for taxes, is eligible to any of these offices.

(a) *Moderator.*—It is the duty of the moderator to preside at district meetings, to countersign warrants and orders drawn on school funds, and to bring suit on the assessor's bond when necessary.

(b) *Director*.—It is the duty of this officer to act as clerk of the district meetings, and to keep a record of its proceedings. He draws all warrants and orders on the school funds, keeps the schoolhouse in repair, preserves and files books, papers, and other documents belonging to the district, and at the end of each school year makes an annual report to the township board of school inspectors, containing statistics as to school attendance, moneys received and disbursed for the use of the school, and various other matters in relation to the kind of books used in the district, the length of time school was taught, etc.

(c) *Assessor*.—The assessor is the treasurer of the district. He receives all moneys belonging to the district, and pays the same out on orders drawn by the director and countersigned by the moderator. He keeps an account of all moneys received and paid out, and presents a statement thereof each year to the district meeting. It is also his duty to appear for the district in any suit that may be brought by or against it.

15. District board.—The moderator, assessor, and director constitute the district board. The duties of this board are varied and numerous. Some of the more important ones are: purchasing schoolhouse sites, building or purchasing schoolhouses, estimating and voting taxes necessary for the support of the school, hiring and contracting with teachers, exercising general care and custody over school property,

specifying the studies that shall be taught in the school, and making and enforcing suitable rules and regulations for its government and management.

16. Taxes.—Whatever taxes are voted by the district or by the district board are reported each year by the district board to the township clerk for assessment on the taxable property of the district. He reports them to the supervisor and the supervisor assesses them on the property of the district. They are afterwards collected by the township treasurer.

So we see that the power of the district in relation to taxes ends with voting them. But there are limitations even on this power. The amount of taxes voted for purchasing or building schoolhouses cannot if, it is voted the same year that a bonded indebtedness is incurred, exceed \$250 in districts having less than ten children of school age; in districts having between ten and thirty children, \$500; and in districts having between thirty and fifty children, \$1,000.

Taxes voted for keeping the schoolhouse in repair, or providing necessary appendages, apparatus, etc., or for paying for the services of any district officer, cannot exceed one-half of the amount which the district is authorized to raise for building schoolhouses.

When we remember that school taxes are voted only by taxpayers, it seems a little unnecessary to hamper the voters with such limitations, but the taxing power is one that has always been carefully guarded by the American people, they seeming loth to trust their agencies of government with such a great power without prescribing limits for its exercise.

17. Bonds.—The voters of school districts are allowed, within certain limitations, to borrow money and issue bonds of the district therefor, for the fol-

lowing purposes : to pay for schoolhouse sites, or to erect and furnish a school-building. The bonds are prepared and issued by the district board in denominations of not less than fifty dollars and not exceeding eight per cent interest. Taxes are then voted each year to pay the principal and interest until all such bonds are paid up and cancelled.

REVIEW QUESTIONS

1. For what purpose are school districts established ?
2. When is the annual district meeting held ?
3. When may special meetings be held ?
4. Give the qualification of voters.
5. What are some of the powers of voters at district meetings ?
6. Who are the district officers ?
7. When and how are they elected ?
8. Give their terms of office and qualifications ?
9. Name some of the duties of each.
10. How is the district board constituted ? Give its powers.
11. By whom are school taxes voted, assessed, and collected ?
12. Name the limitations on the taxing power of the district.
13. For what purposes may a district bond itself ?
14. How are these bonds paid off ?

CHAPTER V

GOVERNMENT IN THE TOWNSHIP

18. The township.—Townships have existed in England from the earliest periods, and their history in this country runs back into colonial times. As a political organization, they may include one or more surveyed townships*. Townships are formed for the purpose of exercising such powers and discharging such duties of local government as may be conferred upon them by law. As a local body or territorial division, assisting in the administration of the civil affairs of the State, its officers perform such duties as are required of them in relation to taxation, education, elections, statistics, etc.; while as an organization engaged in administering its own internal affairs, its agencies and officers have to do with constructing, maintaining, and repairing of township buildings, highways, and bridges, relieving and supporting poor persons, guarding the public health, and managing in a general way its prudential affairs.

19. Township meeting.—The township meeting is a purely local affair. It has nothing to do with

* Surveyed townships usually contain 36 square miles.

State matters, unless it be indirectly in electing those township officers whose duties relate more particularly to State affairs. But as an institution, it may be said to be entirely local in its sentiments and influence. The time at which this meeting is held is on the first Monday of April in each year. This is called the annual meeting. Special meetings may be held any time on the order of the township board. The qualifications of voters are the same as at general elections¹.

Voters at township meetings act in a double capacity, first, as a legislative body, and second, as an elective body. As a legislative body they vote taxes and enact by-laws for the government of the township, and as an elective body they elect all necessary township officers.

(a) *Of their legislative powers.*—The legislative powers of voters at these meetings are exercised in two directions, that of voting taxes for township purposes, and that of making rules and regulations for the government of the prudential affairs of the township.

In the exercise of the first power, they may vote taxes for the following purposes :

- For defraying the current expenses of the township ;
- For keeping in repair all highways and bridges in the township ;
- For the relief and support of poor persons ;
- For the erection and repair of public buildings ;
- For the support of township libraries

¹ See chapter XIII.

In the exercise of the latter power, they may make directions and pass regulations on the following subjects :

- The running at large in the highways of domestic animals ;
- The inoculation of the inhabitants with cow-pox ;
- The storing of gunpowder ;
- The running at large of dogs ;
- The maintenance of pounds.

All such legislative business of the township is transacted between the hours of 12 and 3 o'clock. The presiding officer of these meetings is the supervisor. He decides all questions of order, makes public declaration of all votes cast, and may enforce order and quiet in the meeting.

The clerk of the township acts as clerk of the meeting, keeping a minute of all proceedings, and entering in the township records all orders and regulations adopted by the meeting.

The voting is mostly done *viva voce*, though in some of the more important matters, it is carried on by ballot.

(b) *Of their elective powers.*—At township meetings, the voters elect the following township officers : Supervisor, clerk, treasurer, commissioner of highways, justices of the peace, drain commissioner, school inspector, member of the board of review, not exceeding four constables, an overseer of highways for each highway district, and poundmasters.

All of these officers are required to be elected by ballot, except overseers of highways and pound-

masters. The latter are elected *viva voce* during the hours while the meeting is transacting its legislative business.

The polls are kept open from 9 in the forenoon until between 3 and 6 in the afternoon. The supervisor, two justices of the peace whose term of office will soonest expire, and the township clerk are the election inspectors. After the polls are closed, the votes are canvassed by the inspectors, and the result is read by the clerk to the persons there assembled. The manner of voting, and conducting the election in general, is the same as at a general election, which will be considered later.

20. Executive officers.—(a) *Supervisor.*—The supervisor is the chief officer of the township. He is the assessor of his township, assessing all State, county, and township taxes on the taxable property within his township. He furnishes relief and support (temporary or otherwise) for poor persons, acts as chairman of the township board, presides at township meetings, acts as agent for the township in its law-suits, represents it in the county board of supervisors, and performs a great many other duties which it is not possible to enumerate here.

(b) *Clerk.*—The more important duties of this officer are to take charge of the township records, and to act as clerk of the town meetings and keep a record of the proceedings thereof. He is also a member of the town board and acts as its clerk. He

keeps an account with the treasurer, and performs various other minor duties.

(c) *Treasurer*.—This officer is the custodian of the moneys of the township. He is its receiving and disbursing officer, collects its taxes, pays out its moneys on written orders from the proper authorities, renders an annual accounting to the township board of all moneys received and paid out by him, and acts as the general financial officer of the township. It is also his duty to collect the State and county taxes that have been assessed against property in his township, and to pay the same over to the county treasurer.

(d) *Highway commissioner*.—This officer has general supervision over the highways in the township. He lays out and establishes highways, constructs and repairs bridges, divides his township into road districts, and performs various other services in connection with the maintenance and keeping in repair of highways and bridges.

(e) *Drain commissioner*.—For the benefit of the public health, convenience, and welfare, drains and ditches are established in the township. Locating and determining the course of these drains is the principal duty of this officer. His jurisdiction extends only over those drains lying wholly within his township. He also determines what property is benefited by such drains, and assesses the same accordingly.

(f) *School inspector*.—See board of school inspectors, page 29.

(g) *Constables*.—The office of constable is a very ancient one. He is the peace officer in his township. He has authority to make arrests and serve the writs and orders of justices of the peace. He is the ministerial officer of the justice courts in his township.

(h) *Poundmaster*.—A pound is an enclosure in which stray animals are kept until reclaimed by their owners. This officer has charge of these pounds.

(i) *Qualifications and term of office*.—All executive officers of the township must be residents therein, and all must be qualified electors, except school inspectors. Any woman inhabitant of the township who is over 21 years of age may hold this office. They all hold office for one year with the exception of the drain commissioner and the school inspector, who hold for two years.

21. Boards of the township.—(a) *Township board*.—This board is composed of the supervisor, the clerk, and the two justices of the peace whose term of office will soonest expire. It is the most important board in the township. The supervisor acts as its chairman, and the township clerk as its clerk. The board meets annually on the Tuesday preceding the township meeting. At this meeting it makes a settlement with all disbursing officers of the township, and audits and allows claims against the township. These are all administrative duties, but it has cer-

tain other duties to perform in their nature legislative, such as voting taxes for township expenses when the township meeting neglects to do it. Other duties of a judicial nature are performed by it, such as the removal of school district officers, hearing and determining appeals from the decision of the drain commissioner in his assessment of drain taxes, reviewing on appeal the decision of the board of school inspectors as to the boundaries of school districts, etc. It will thus be seen that this board plays a very important part in the affairs of the township.

(b) *Board of health.*—The township board is the board of health. The duties of this board are to look after matters relating to the public health, and the suppression of dangerous communicable diseases. To this end they may abate nuisances, establish a quarantine, make regulations concerning infected articles of baggage, and appoint a health officer, who is usually a physician.

(c) *Board of school inspectors.*—This board is composed of the two inspectors in the township, and the township clerk. It is their duty to divide the township into school districts. They have general charge of the township library and all moneys appropriated therefor. They make a report to the township board each year of all moneys received and paid out by them. They perform various other duties in relation to matters of education within the township.

(d) *Board of review.*—Each year there is elected a

suitable voter of the township to act as member of this board. There are always two in each township. These two electors and the supervisor constitute the board. The duties of this board relate exclusively to reviewing the assessment roll of the township as it is made out by the supervisor. Persons who have any grievance in the matter of taxes against them are entitled to a hearing before this board. They also make, on their own motion, any corrections in the roll that may seem proper to them.

22. Justices of the peace.—(a) *Election and term of office.*—Not to exceed four justices of the peace may be elected in each township. Their term of office is four years, commencing on the fourth day of July after their election.

(b) *Powers and duties.*—By far the more important duties of justices of the peace are the holding of courts, which is of course judicial power; but they also perform certain ministerial duties, such as performing marriage ceremonies and acting as members of the town board.

(c) *Jurisdiction.*—By jurisdiction, as it is here used, we mean the power to hear and determine controversies between parties to a suit. The jurisdiction of justices of the peace extends to both civil and criminal causes. Civil causes are controversies between private individuals, and criminal causes are prosecutions by the State against one of its inhabitants for a violation of its criminal laws.

(d) *Civil jurisdiction.*—(1) *Of the person.*—No court has power to act in any cause until it has acquired jurisdiction of the person. This is done by serving on such person a paper issued by the justice, called a process. Such process may be served anywhere in the county, and in some cases in adjoining counties.

(2) *Of the subject matter.*—It is equally important that a justice of the peace have jurisdiction of the subject matter of the controversy as that he have jurisdiction of the person. Both are essential to a binding judgment. This jurisdiction of the subject matter is exclusive and concurrent. The exclusive jurisdiction gives them the power, as against any other court, to hear and determine all controversies where the amount involved does not exceed \$100. The concurrent jurisdiction gives them the power to hear and determine all controversies arising upon contract where the amount involved does not exceed \$300; but it is not an exclusive power, as the circuit court for the county has the power to hear any cause involving not less than \$100.

There are certain other actions over which justices of the peace have no jurisdiction whatever, such as actions in relation to real property or where its title shall come in question, actions in relation to easements or rights of way, actions for libel or slander or malicious prosecutions, or actions against executors and administrators.

(e) *Criminal jurisdiction.*—(1) *Of the person.*—Jurisdiction over the person must be acquired as well in criminal as in civil cases. This is done by the service of a process called a warrant. Warrants are issued by justices of the peace and may be served anywhere in the State.

(2) *Of the subject matter.*—Justices of the peace have the exclusive power to hear and determine charges of minor offences arising within the county, such as larceny under \$25, assault and battery, wilful injuries to property, and all other offences punishable by fine not exceeding \$100, or imprisonment in the county jail not exceeding three months.

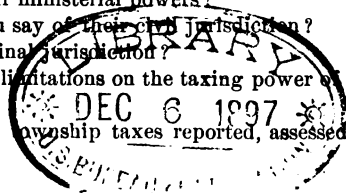
In relation to the higher offences, such as murder, robbery, etc., they have the power to examine into the facts, and if they think there is probable cause to believe a crime has been committed, and that the prisoner is guilty thereof, they require him to give bonds to appear in the circuit court for trial, in default of which he may be committed to jail. Otherwise he is discharged. The former is called a trial, and the latter an examination.

23. Taxes.—While the voters of a township have the right to determine the amount of taxes that shall be raised for township purposes, this right is not without its restrictions. For example, the power to tax themselves for the purpose of erecting a town hall or other building is limited to 1 % of the assessed valuation of the township ; taxes for public libraries

cannot exceed one mill on the dollar; not to exceed \$1,000 can be raised in any one year to build or repair any roads or bridges, etc. Whatever taxes may be voted, however, are reported by the township clerk to the supervisor, and he assesses them on the taxable property of the township. They are afterward collected by the township treasurer along with other taxes.

REVIEW QUESTIONS

1. What can you say of the township in general?
2. When may township meetings be held?
3. What are the qualifications of voters?
4. In what capacity do they act at town meetings?
5. In what directions are their legislative powers exercised?
6. For what purposes may they vote taxes?
7. On what subjects may they enact by-laws?
8. Describe the time and manner of transacting legislative business.
9. What officers are elected at town meetings, and how?
10. What can you say of township elections?
11. Name some of the duties of the supervisor.
12. Of the clerk and other executive officers of the township.
13. What are their qualifications and term of office?
14. Name the township boards, and the duties of each.
15. Give number of justices and their term of office.
16. What are their ministerial powers?
17. What can you say of their civil jurisdiction?
18. Of their criminal jurisdiction?
19. What are the limitations on the taxing power of the township?
20. By whom are township taxes reported, assessed, and collected?



CHAPTER VI

GOVERNMENT IN THE COUNTY

24. The county.—The county is the largest public territorial division of the State, and must contain not less than 16 surveyed townships. It is created and organized for public political purposes connected with the administration of the State government, and specially charged with the superintendence and administration of the local affairs of the community¹. In reference to the former, its officers are engaged with duties in connection with elections, education, and especially the administration of justice. In reference to the latter, its officers and agencies have to do with the relief and support of poor persons, the maintenance and repair of public highways and drains, the destruction of wild beasts and noxious vegetation, the adjustment of claims against the county, the regulation and general management of its business concerns, and various other matters that it is not practicable to mention here.

It also forms a convenient basis or medium for the transaction of matters of public concern between the

¹ Dillon.

State and the smaller territorial divisions, such as the township and the school district.

25. County seat.—The county seat is the headquarters of the county government. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds are all required to hold their offices at the county seat. It is discretionary with other county officers. The circuit court also holds its sessions at this place. The county buildings, such as the court house and jail, are built and maintained at the county seat. It is here that the board of supervisors holds its annual meetings.

When a county seat is once established it cannot be removed until two-thirds of the board of supervisors shall designate some other place, and a majority of the electors of the county voting thereon shall have voted in favor of such proposed location.

26. The board of supervisors.—(a) *Membership.*—The board of supervisors of a county is composed of one supervisor from each township, and such representation from the cities lying within the boundaries of the county as the legislature may direct. Sometimes this is the mayor alone, sometimes it is the mayor and city supervisors together, and again it may be only the city supervisors. It depends on the different city charters.

(b) *Meetings and records.*—The board of supervisors meets annually at the county seat on the second Monday of October in each year, and also at such

other times as it may deem necessary. It chooses one of its own number as chairman, and the county clerk acts as its clerk, keeping a full record of all its proceedings.

(c) *Powers.*—All the local governmental powers of the county are exercised by the board of supervisors. The people of a county do not meet together and transact their business in person, as in the case of townships and school districts, but it is transacted through the medium of a board of supervisors. This board stands in the same relation to the county that the annual township meetings do to the townships. It is often called the county legislature, for the reason that it acts for the county in matters of local legislation. But it is invested not only with legislative but with executive powers as well.

The more important of these powers are :

1. To provide for laying out highways, constructing bridges, and organizing townships ;
2. To prescribe the compensation of certain county officers ;
3. To make laws and regulations for the destruction of wild beasts and noxious vegetation ;
4. To authorize townships to borrow or raise by tax money for building or repairing roads and bridges ;
5. To establish rules and regulations in reference to the management of the business concerns of the county ;
6. To authorize the sale or leasing of any real estate belonging to the county ;
7. To cause to be erected all necessary county buildings, and to prescribe the time and manner of erecting the same ;
8. To borrow or raise by tax, subject to the limitations hereafter mentioned, any sum of money necessary to defray the cur-

rent expenses and charges of the county, or to provide for the payment of any loan made by the board, or to construct or repair any public building, highway or bridge;

9. To adjust claims against the county ;
10. To divide the county into representative districts ;
11. To purchase any real estate necessary for county purposes ;
12. To select county building sites ;
13. To appoint certain officers ;
14. To alter township boundaries ;
15. To designate a place for the removal of the county seat ;
16. To permit or prohibit the construction of any dam across navigable streams.

27. Executive officers.—(a) *Sheriff*.—The sheriff is the chief executive officer of the county. He can hold no other office, and is incapable of holding the office of sheriff longer than four in any period of six years. He may appoint deputies for whose acts he is responsible. He has charge of the jails in his county and of the prisoners in the same. He or his deputies attend upon the circuit court, serving its processes, executing its writs, and enforcing its orders. The sheriff is often called the executive arm of the court. He is also a conservator of the peace for his county, and as peace officer, he makes arrests, enforces good order in the county, suppresses riots and disorders, and to this end may summon any person or number of persons to his assistance.

(b) *County clerk*.—The county clerk is the clerk of the circuit court. He keeps the seal of the court, enters and records its decrees, orders, and judgments, and is the custodian of its records. He may ap-

point one or more deputies, being responsible for their acts. He also acts as clerk of the board of supervisors, performs various duties in relation to elections, and acts in many other matters connected with the administration of State and county affairs not possible to specify here.

(c) *County treasurer*.—It is the duty of this officer to receive all moneys belonging to the county and pay the same out on the order of the proper authorities. He may appoint a deputy. At the annual meeting of the board of supervisors he submits to them his books and records for examination. He also keeps an account with the several townships in relation to taxes and the support of their poor. He turns over to the State treasurer all moneys belonging to the State which have been collected by himself or township authorities. In short, he acts as general executive officer of the county's finances.

(d) *Register of deeds*.—This officer's chief duty is to keep a record of all deeds, mortgages, and other conveyances required by law to be recorded. A record title to all real property is thus preserved, which at times becomes very important in the settlement of property disputes.

(e) *Prosecuting attorney*.—The prosecuting attorney is the law officer for the county. He appears for both the State and county in all the courts of his county, and attends to all prosecutions and suits in which either may be a party or interested. He is

also the legal adviser of all county officers and some township officers. His chief duty, however, is to prosecute, within his county, all offenders against the criminal laws of the State.

(f) *Surveyor*.—The duties of this officer are to make such surveys within his county as may be ordered by any court, or on the application of any person. He keeps a record of all his surveys, turning the same over to his successor in office.

(g) *Coroner*.—The coroner performs the duties of sheriff in case there is no sheriff or under sheriff in the county; and where the sheriff is interested or a party to a suit the coroner may serve the process. It is also his duty to summon a jury of not less than 6 nor more than 12 men to investigate any sudden or violent death occurring in the county, for the purpose of ascertaining, if possible, whether such death was the result of natural or unnatural causes.

(h) *Drain commissioner*.—The duties of the county drain commissioner are of the same general character as those of the township drain commissioner, see page 27. The only difference is in their jurisdiction. Township commissioners have only to do with those drains lying wholly within their township, while county commissioners have concurrent jurisdiction over such drains, and exclusive jurisdiction over drains traversing more than one township.

(i) *Superintendents of the poor*.—These officers have general superintendence of all the poor in the

county, taking charge of the county poor house, providing for its needs, making rules and regulations for its management, employing officers and servants to take immediate charge of it, and exercising a general superintending control over all matters relating to the support of poor persons within the county.

Lest the student be confused by an apparent conflict between the county and township poor authorities, it is proper at this time to explain something of the system of maintaining poor persons.

There are two distinct systems. One is called the county system—the other the township system. The board of supervisors of each county has the right to determine which of these systems shall prevail. When the county system is in force, the county, as a whole, supports all poor persons, the township only affording relief until the person so relieved can be removed to the county poor house. Where the township system exists, each township gives permanent support to all persons who have gained a settlement therein, which means a residence of one year. But when this system prevails, there are always some poor persons who have never gained a settlement in any township, and are therefore not entitled to support from the township. It is this class the county looks after when the township system is in vogue.

A poor person, entitled to public support, is one who is blind, old, lame, sick, or decrepit, who is not able to maintain himself, and is not maintained by relatives.

(j) *Commissioner of schools.*—The duties of this officer relate entirely to educational matters in the county. He visits each of the schools in the county at least once in each year, examining carefully into their discipline, mode of instruction, etc., counseling with teachers and school boards as to courses

of study, and suggesting any improvements that may occur to him. He exercises, in short, a general supervision and oversight over the teachers and public schools of his county. He is a member of the board of school examiners for the county, and performs a great many other duties connected with the general administration of school affairs which may be learned by reference to the school laws.

(k) *Board of school examiners.*—In each county there is a board of school examiners, whose duty it is to hold regular public examinations for the purpose of examining into the educational qualifications of all persons who may offer themselves as teachers for the public schools. The commissioner of schools and two persons who are styled school examiners constitute the board. They meet on the Saturday following any public examination, and grant certificates, or licenses to teach, to those persons attending the examination who are found qualified in respect to good moral character, learning, and ability to instruct and govern a school.

(1) *Election and term of office.*—All of the foregoing officers are elected by the people of the county, except the drain commissioner, the superintendents of the poor, and the school examiners. The latter are all appointed by the board of supervisors. The election of such officers, except the commissioner of schools, occurs at the same time as the general election, which is on the Tuesday succeeding the

first Monday of November in each year of even date. The commissioner of schools is elected on the first Monday of April in each year of uneven date. They all hold office for 2 years, except the superintendents of the poor, whose term of office is 3 years.

All county officers, with but one exception, must be qualified electors and residents of the county. The commissioner of schools and the school examiner may be either a man or a woman. The qualifications of these officers are educational.

28. Courts and judicial officers.—(a) *Circuit court.*

(1) *In general.*—The circuit court is a court of record with a seal. A court of record is defined as a judicial organized tribunal, having attributes and exercising functions independently of the person of the magistrate designated generally to hold it¹. Thus, the circuit court, as well as any other court of record, exercises its functions and powers independently of the circuit judge, who is simply an officer designated to preside over it. The circuit court is the tribunal where the great majority of cases, both civil and criminal, are tried. It is the great trial court of the State.

(2) *Terms.*—A circuit court is required to be held in each county at least twice in each year, and in those counties containing 10,000 or more inhabitants, not less than four times in each year. These

¹ Bouvier.

are called terms of court, and the time of their beginning is determined by each judge in advance.

(3) *Officers*.—The State is divided into judicial circuits, embracing one or more counties. In each one of these circuits there is elected a *circuit judge*. He holds office for six years, and is ineligible to any other than a judicial office during such period and for one year thereafter. He presides over the circuit court for each county in his circuit, and receives an annual salary of \$2,500. The other officers of the court are the sheriff, clerk, stenographer, and attorneys. Of the two former we have spoken, page 37. The stenographer is appointed by the circuit judge, and it is his duty to take down in short-hand the proceedings had in the court.

(4) *Jurisdiction*.—The circuit court has original jurisdiction in all matters civil and criminal not specifically referred to some other tribunal, and appellate jurisdiction from all inferior courts and tribunals, such as justices of the peace, and a supervisory control over the same.

(5) *Original jurisdiction*.—Original jurisdiction is the power to hear and determine a cause in the first instance. The original jurisdiction of the circuit court in civil cases extends to all controversies wherein the amount involved exceeds \$100. Its criminal jurisdiction extends to all offences of the higher degree, such as murder, manslaughter, robbery, etc.

(6) *Appellate jurisdiction*.—Appellate jurisdiction is that which is given by appeal from the judgment of another court. Causes tried in the justice courts may be taken to the circuit court by certiorari or appeal. In certiorari proceedings only questions of law can be reviewed by the higher court, and the remedy is not, therefore, so frequent as ordinary appeals. Where the cause is appealed from the lower court, it is tried in the circuit court in all respects the same as if it had been originally commenced there.

(7) *Writs and processes*.—Circuit courts have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, and all such other writs as are necessary to carry into effect their orders, judgments, and decrees.

A writ of *habeas corpus* is a writ directed to any person who detains another, commanding such person to produce the body of the prisoner before the court for the purpose of inquiring into the legality of such detention. It is the most famous writ in the law, and has been used for many centuries to protect persons from any wrongful restraint of their liberty.

The writ of *mandamus* is a writ usually directed to some public officer commanding him to do a certain thing. It was introduced to prevent any failure of justice by an officer or individual refusing or neglecting to perform some act which, for the sake

of good government and justice, ought to be done.

An *injunction* is a restraining writ; that is, it restrains a person from doing some act which it is alleged will be injurious to the complaining party.

Quo warranto is the name of the writ by which the right to hold any public office is tested, or the right of a corporation to exercise certain franchises inquired into. It never issues except at the instance of the State.

The nature of the writ of *certiorari* has already been noted. See page 44.

We have seen that the jurisdiction of the circuit court is general over the subject matter of controversies, but this is not true in respect to persons and property. As a rule, its jurisdiction over the latter does not extend beyond the limits of the county, and its processes and writs must, therefore, necessarily be served within the county.

(b) *Probate court.*—(1) *In general.*—A court of probate is required to be held in each county. It is a court of record, having a seal. It has no stated terms, but is open at all times for the transaction of ordinary business. It is a court created for the sole purpose of administering the estates of deceased persons, and of minors and other persons under the special protection of the law.

(2) *Jurisdiction.*—The jurisdiction of the probate court to take the probate of wills, or to grant administration of the estates of deceased persons, is

confined to those persons who were, at the time of their decease, inhabitants of, or residents of the same county, or who died without the State, leaving an estate within the county to be administered. They also appoint guardians to minors and others in the cases prescribed by law.

(3) *Probate judge*.—The probate judge is the presiding officer of the probate court. He has possession of the seal, records, and books belonging to the court of probate, and keeps a record of all orders and official acts made or done by him. He is elected at the general election by the electors of his county, and holds his office for four years. He must be a resident of the county.

(c) *Circuit court commissioner*.—In each county there may be elected one or more persons who are vested with judicial powers not exceeding those of a judge of a circuit court at chambers. They are called circuit court commissioners. They are elected at the general fall election, and hold office for two years. They must be attorneys and counsellors at law.

The commissioner is a subordinate assistant to the circuit court, rather than an independent judicial officer. Among the powers conferred upon him is the power to take bail and to discharge the same; the power to entertain summary proceedings for the recovery of the possession of land; the power to order the transfer of suits from one circuit court to another; the power to dissolve attachments issued from the circuit court; the power to take proofs and make computations in cases pending in the circuit court; and a great many other powers of a judicial nature of which space will not permit particular specification.

29. Taxes.—It is a singular fact in connection with the subject of county taxes, that while they are imposed by a representative body, the board of supervisors, they are not surrounded with as many limitations and restrictions as in the case of township taxes, which are voted directly by the people. However, the powers of the board are restricted to some extent. For example, they cannot raise in any one year to exceed \$1,000 for the purpose of constructing or repairing any public building, highway or bridge in the county. If a greater sum is needed for such purpose, the board must submit the question to the voters of the county for their approval or rejection. Aside from this, their power seems to be quite unlimited in this direction.

REVIEW QUESTIONS

1. State the general purpose and character of county government.
2. What can you say about the county seat, its removal, etc.?
3. Who comprise the board of supervisors?
4. State something of their meetings and records.
5. What are the more important powers of the board?
6. Name the executive officers of the county.
7. What are the duties of each?
8. State when the different officers are elected or appointed, their term of office, qualifications, etc.
9. Name the different courts and judicial officers of the county.
10. What can you say generally of the circuit court, its terms, officers, etc.?
11. How is its jurisdiction classified?
12. What is its original jurisdiction?

13. What is its appellate jurisdiction ?
14. What writs has it power to issue ? Describe each.
15. Can its process run out of the county ?
16. What can you say of the probate court, its jurisdiction, etc. ?
17. Describe the duties of the probate judge, his election, term of office, etc.
18. Describe the election, term of office, and general powers of a circuit court commissioner.
19. What can you say about county taxes ?

CHAPTER VII

GOVERNMENT IN THE CITY AND VILLAGE

30. The City.—We have so far been studying civil government as it is carried on in the school district, the township and the county ; and while in each we have observed more or less of the general characteristics of a self-governing body, we have yet to study that local government which is created and exists almost solely for local governmental purposes. I refer to the city and the village.

Counties and townships are involuntary political organizations, created by the State to aid in the administration of State affairs. To be sure, they are each invested with more or less powers of a local character, but their chief functions are to administer matters of general State concern for and within their particular locality. Especially is this true of the county.

On the other hand, the city is a voluntary organization ; that is, it is not created except at the solicitation or by the consent of the persons composing it ; and while its officers are required to perform duties in relation to those matters which may properly be termed State powers, such as education, general

taxation, general elections, etc., in much the same respect as township authorities, yet these duties when compared with their duties of a local character seem very trifling. It is local needs which give rise to city and village governments.

31. The village.—Government in the village is very much the same as in the city. Of course it is not so complex in its character, nor is it possessed of such extensive authority, but its general outline is the same.

In view of this fact, it seems better not to attempt the study of the village in this chapter, but at its close simply to draw the attention of the student to some differences existing between the village and the city to gain a clearer idea of each.

32. Incorporation.—By the incorporation of cities and villages we mean the act of law by which the inhabitants of a particular territory are made an artificial body or corporation, created for purposes of government. This act of law is called its charter.

33. Charter.—The charter is the written instrument or law by which the State creates the corporate body, names it, defines its objects, and confers its powers. It cannot, therefore, exercise any power not found in its charter.

34. Wards.—Cities are divided into wards for convenience in executing the laws and the carrying on of elections.

35. The common council.—(a) *Membership.*—The legislative authority of cities is vested in a council, consisting usually of the mayor, two aldermen from

each ward, and the city clerk. Aldermen at large are sometimes elected, but not usually. The council is purely a representative body. Its character and general manner of procedure are much the same as in the State legislature.

(b) *Meetings*.—The council generally meets once each week. The mayor presides, and the city clerk acts as clerk.

(c) *General powers*.—The council has certain powers not of a legislative character, usually given it, such as the appointment and removal of officers, auditing and allowing claims against the city, etc.

(d) *Legislative powers*. The legislative powers of the council are exercised by the enactment of ordinances. These constitute the laws of the city and regulate the details of city government. They must not be contrary to the city's charter or the laws or constitution of the State. Penalties for their violation may be prescribed by the council.

Some of the more important legislative powers of the council are, the preservation of good order, licensing of auctions and peddlers, licensing and controlling places of public entertainment, licensing and regulating the use of vehicles engaged in the transportation of passengers and freight in the city, providing for the abatement of nuisances, granting the use of the streets to street railways, establishing a system of sewerage for the benefit of the public health, providing for all necessary public improvements, regulating the general use of the streets, raising by taxation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and making any other provision for the safety, order and good government of the city as may seem proper.

36. Executive officers.—(a) *Mayor.*—The mayor is the chief executive officer of the city. He presides at the meetings of the council, furnishes information to the council of the condition and affairs of the city, and may veto ordinances passed by it. He has general supervision over the several departments of the city government, and sees that the ordinances and regulations of the council are enforced. He also appoints and removes certain officers, and may inspect the books and records of any city office.

(b) *Clerk.*—This officer is the keeper of the corporate seal, has custody of the public books and records of the city, is clerk of the council and as such keeps a record of its proceedings, acts as a general accountant for the city, and in this capacity exercises general supervision over all officers who receive and disburse moneys of the city. These latter powers are not usually exercised by him when there is a city comptroller.

(c) *Treasurer.*—The treasurer has custody of all moneys and other evidences of value belonging to the city. He receives and disburses the moneys of the city, keeping an account of the same, and generally making a report to the city clerk once each month.

(d) *Marshal.*—The marshal is the chief police officer of the city. He may arrest violators of the city ordinances, suppress riots and disturbances, and exercise the general powers of a police officer.

(e) *City attorney*.—The city attorney is the legal adviser of the council and of all officers of the city. He represents the city in its law suits, and prosecutes offences against the ordinances.

(f) *Collector*.—The duties of this officer relate to the collection of the State, county and city taxes levied within the city.

(g) *Street commissioner*.—This officer has the general care and supervision of labor performed on the streets and public grounds of the city.

(h) *Supervisors*.—One supervisor is elected generally for each ward in the city. Within this ward, he exercises the same powers and duties in relation to the assessment of property for taxation as do supervisors in townships. See page 26.

(i) *Constables*.—In each ward of the city a constable is elected. His powers and duties are practically the same as of those in townships. He is subject to the orders of the mayor, aldermen and chief of police.

(j) *Election and term of office*.—The charters of cities usually provide for the election of all executive officers, except the city attorney and surveyor and some minor officers, who are usually appointed by the council. As a rule, all executive officers of the city hold office for one year, and members of the council for two years. They must be residents of the city and qualified electors.

37. Courts and judicial officers.—(a) *Justices of*

the peace.—Justices of the peace elected in the city exercise the same powers in respect to judicial matters that they do in townships (see page 30), with the additional authority to hear and determine actions arising under the ordinances of the city.

(b) *Municipal courts.*—In addition to the justices of the peace, municipal courts may be established in cities. They are found in all the larger cities, where the ordinary courts, like the circuit and justice, are not able to transact all the judicial business arising within the city.

Wherever these courts are established they are invested with the power to hear and determine all controversies, both civil and criminal, arising under the ordinances of the city, or the laws of the State. Whatever the subject matter of their jurisdiction may be, however, it must always arise within the corporate limits of the city.

Municipal courts are usually divided into higher and lower courts, so that they very much resemble the circuit and justice courts of the county. In fact, the municipal courts stand in much the same relation to the city that the circuit and justice courts do to the county. The lower municipal courts are generally called police courts, and the higher ones, or those corresponding with the circuit court, are called recorder's or superior courts, or any other name which the legislature may determine upon.

38. Elections.—The election of city officers is

usually held on the first Monday of April in each year. Members of the council and all elective executive officers are elected at this time. Voters must reside in the city and in the ward where they offer to vote, and possess the qualification of electors at general elections. The voting is carried on by wards; that is the elector votes for both city and ward officers in the ward where he resides. Wards are often divided into election precincts, and then the voter must vote in his precinct as well as his ward.

39. Finance and taxation.—The power of a city or village to tax itself, or to borrow money, contract debts; or to loan its credit, is always carefully restricted by the State. The needs of cities and villages are so numerous, and the occasions for the exercise of the taxing power so frequent, and their management often so corrupt, that any abuse of these important powers is provided against by limitations and restrictions in their charters.

The taxing power is exercised by the council, which is authorized, within certain prescribed limits, to vote such taxes as may be necessary to defray the expenses and pay the liabilities of the city. Salaries of officers, the expenses of the various city institutions, the cost of maintaining streets and bridges, public buildings and parks, and various other items met with in city government, must all be provided for by taxes levied on property within the city.

40. City institutions.—Each city has what may properly be called city institutions, such as :

(a) *Police department.*—This is composed of the marshal and any number of policemen. It is organized for the better protection of the persons and property of the inhabitants of the city, who are necessarily more exposed to the dangers of crime and vice of all kinds than people in rural localities.

(b) *City prison.*—A city prison is generally maintained in every city for the confinement of offenders against the city ordinances or State laws. It is in charge of the marshal or chief of police.

(c) *Fire department.*—In cities, fires are frequent, and by reason of the close proximity of buildings very dangerous ; hence a fire department is maintained. It is presided over by a chief, who has general supervision or control over the firemen.

(d) *Water works.*—Most cities maintain systems of water works. A supply of pure water is essential to the good health of the inhabitants, and an abundance is demanded for fire protection.

(e) *Markets.*—Public market places are frequently established where the sale of provisions is carried on from stands. Rules and regulations to prevent fraud and preserve order in the market, are fixed by the council.

41. City boards.—There is a board of education having charge of the schools of the city ; a board of health whose duty is to look after matters of public

health in much the same way as township boards of health ; a board of public works, having general supervision over the streets, sewers, public buildings and parks of the city ; and usually the various city institutions are placed under the supervision of a board.

42. Differences between village and city governments.—Some of the chief differences existing between cities and villages in reference to their government are : Villages are not divided into wards, members of the council being elected from the village at large ; their chief executive officer is called president instead of mayor, and their council is often called the board of village trustees. They do not have any courts or judicial officers ; and the inhabitants of villages participate more or less in the township government, and are subject to township taxation, while the city and township are distinct political organizations, having nothing in common. There are other differences that need not be detailed at this time.

43. Conclusion.—In concluding this chapter, the student should be reminded that it has not been possible to furnish anything like an accurate text of government as it exists in all cities and villages. The reason for this is apparent. Nearly every city in the State works under a special charter, intended to cover its own peculiar needs. So here can be given only a general outline of city governments.

They are not, like other local governments, all under one general law, applicable alike to all.

REVIEW QUESTIONS

1. What can you say of the difference between the city and the township or county ?
2. What is meant by the incorporation of a city ?
3. What is a charter ?
4. How are cities divided ?
5. What can you say of the membership, meetings, and general powers of the common council ?
6. What is its legislative powers ?
7. What are ordinances ?
8. Name the executive officers, and the duties of each.
9. Give their qualifications and terms of office.
10. Name the courts and judicial officers of cities.
11. What can you say of their jurisdiction ?
12. When are city elections held, and what officers are elected at them ?
13. Is the power of the city to tax itself limited ?
14. By whom is the taxing power exercised ?
15. Name the different city institutions, and the purpose of each.
16. Name the different city boards, and the duties of each.
17. What are some of the differences between city and village government ?

CHAPTER VIII

STATE GOVERNMENT

44. In general.—There is not room in a work of this kind to go into anything like a detailed history of the different governments which have prevailed over the territory now embraced within the limits of the State, since the early days of French colonization.

The student has learned from history that the territory of what is now Michigan was originally possessed by the French. Government, however, as we understand it, was not much in evidence at that time. It afterwards came under British rule in 1763, and formed a part of the Quebec province, and was made subject to its government. This lasted until the close of the Revolutionary war in 1783, when Michigan became a part of the territorial possessions of the American States.

45. Government of the Northwest Territory.—In 1787, the congress of the United States passed what was called "An ordinance for the government of the territory northwest of the river Ohio". Michigan, of course, was included in this territory, but for the reason that it required a further treaty to

obtain possession of the forts and posts that had been established by the British, this ordinance did not apply to Michigan. This treaty was made in 1794, and by it the forts and posts mentioned were surrendered to the Americans in 1796, and the ordinance of 1787 came into full force and effect in the territory. This Ordinance was afterwards supplemented by acts of Congress passed in 1789 and 1792.

The Ordinance was in the nature of a territorial constitution. It declared the manner of government that should exist in the territory. By its terms a governor was to be appointed by Congress for the term of three years. There was also to be appointed a court, to consist of three judges with common law jurisdiction. The governor and these judges were empowered to adopt such laws of the original States as seemed to them necessary and applicable to the territory. These were reported to Congress and constituted the laws of the territory. There were provisions in the ordinance guaranteeing the inhabitants of the territory freedom of religious worship, the benefits of the writ of *habeas corpus*, the right of trial by jury, the right to bail, and the right to liberty and property. Slavery was also prohibited.

46. Government of Michigan Territory.—Michigan, as a separate Territory, was established by an act of Congress passed in 1805. The government established for this Territory was in all respects similar to that provided by the ordinance of 1787, and all the rights and privileges granted to the people in that ordinance were preserved to them in the act of 1805. Detroit was named as the seat of the territorial government. This government lasted until the admission of Michigan into the Union in 1837.

REVIEW QUESTIONS

1. By whom was the territory of Michigan originally possessed ?
2. When did it come under British rule ?
3. When did the American States first acquire it ?
4. How was it governed ?
5. What can you say of the ordinance of 1787 ?
6. When was the territory of Michigan established ?
7. When did territorial government cease ?

CHAPTER IX

THE STATE

47. Admission into the Union.—On June 15, 1836, the Congress of the United States passed an act for the admission of Michigan into the union of States. This act fixed the boundaries of the proposed State, and accepted and ratified the constitution and State government which had theretofore been formed by the people of the Territory in 1835. The admission, however, was upon the express condition that the boundaries as established in the act of admission should be assented to by a convention of delegates elected by the people of the State for that purpose. When the required assent was given, the President of the United States was to make public proclamation of the fact, and the admission was then to be considered complete.

This was not acceded to at first, for the reason that it deprived Michigan of a strip of territory lying on its southern boundary and in its stead gave it what is now called the Upper Peninsula. The strip of land referred to was one which had long been in dispute between Ohio and Michigan, each one claiming sovereignty over it. Exciting and

somewhat stormy events finally led up to a convention, derisively called the "frost-bitten convention", being held in Ann Arbor on December 15, 1836, which assented to the conditions of the act of admission. The State was formally admitted into the Union by an act of Congress passed on January 26, 1837.

48. Definition.—A state is a body politic, or society of men, united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength¹. As referred to here, States mean the several members of the American Union.

49. Form of government.—The form of government in the State is republican. It is expressly guaranteed in the constitution of the United States, and such guarantee impliedly forbids any other form. What is meant by a republican form of government has already been considered.

50. The constitution.—(a) *Formation.*—Constitution is a term that has already been defined (see page 13). While it has been said to be a written law enacted directly by the people, this is not literally true. Constitutions are framed usually by a convention of delegates elected by the people for that purpose, and are then submitted to the people for their rejection or ratification.

¹ Cooley.

The first constitution of the State of Michigan was framed by a convention of delegates elected by the people on April 4, 1835. The convention convened at Detroit on May 11, 1835, and adjourned June 24th of the same year. The constitution framed by them was submitted to the people in October, and adopted.

The next convention was held in 1850, when a constitution, as revised by the convention, was submitted to the people and adopted by them in November of that year. This constitution, with sundry amendments, is the constitution in force to-day.

There have been two other constitutional conventions since 1850, one in 1867 and one in 1873 ; but the constitutions as revised and submitted by them were rejected by the people.

(b) *Amendments.*—Amendments to the constitution may be proposed by either house of the legislature, and if agreed to by two-thirds of the members of each house, they are submitted to the people at the next spring or autumn election, and if approved by a majority of the electors voting thereon, they become a part of the constitution. Amendments take effect from the time of their ratification by the people.

51. Departments of government.—We have learned that the powers of government are exercised, not by one individual or authority, but by three distinct departments, called the legislative, executive, and judicial. The *legislative* department in the State is represented by the legislature, the *executive* department by the various officers of the State and local governments, and the *judicial* department by various courts, most of which have been mentioned in previous chapters.

52. Relation of State to local government.—We have already commented somewhat upon the relation of the State to the various local governments. The student is not to believe from the prominence which has been given to the subject of local governments in this work, that they possess anything like the attributes of a sovereign State. On the contrary, they do not possess a single power not granted to them by the State. As self-governing body politics they are invested with certain powers of a local legislative and administrative character, but they lack the judicial authority even to make them governments of limited powers. They are not at all governments in the sense in which that term is understood. No body politic can be said to be a government, complete within itself, unless it possess all the attributes of governmental authority, viz.: legislative, executive, and judicial power. The relation that the local governments bear to that of the State is one of agency for the better administration of the affairs of government. See page 15.

53. Function and powers.—It is not possible to particularize the powers and functions of a State. They extend to every subject of government control not expressly delegated to the national government. It is the government of the State that reaches and controls us in almost every affair of our daily life. Its laws regulate our relations, both domestic and

public, and extend to us protection to life, health, and property. It affords us tribunals of easy access, where our injuries may be redressed and our rights vindicated. It is a government, complete and powerful within itself, with which we are closely associated, and with which we come in daily contact.

REVIEW QUESTIONS

1. Relate what you can concerning the admission of Michigan into the Union of States.
2. What is a State ?
3. What is the form of government in this State ?
4. How are constitutions formed ?
5. How amended ?
6. Tell of the different conventions and their result.
7. Describe the various departments of the State government
8. What is the relation of the State to local governments ?
9. What can you say as to the functions and powers of the State ?

CHAPTER X

LEGISLATIVE DEPARTMENT

54. The legislature.—(a) *In general.*—The legislative power of the State is vested in a legislature, composed of a senate and a house of representatives. This power cannot be delegated, except as follows : The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local legislative and administrative character as they may deem proper.

(b) *The senate.*—The senate consists of 32 members. Each member is called a senator. Each senator is elected in what is called a senatorial district. These districts are numbered from 1 to 32. Their boundaries are determined by the legislature, subject to but one condition, that no county shall be divided in the formation of senate districts, unless it be entitled to two or more senators. There are but two counties that are divided into senatorial districts, viz.: Wayne and Kent.

(c) *The house of representatives.*—The house of representatives, as at present constituted, consists of 100 members. Each member is called a represen-

tative. Each representative is elected in what is called a representative district. The boundaries of representative districts are determined as follows :

After each enumeration of the inhabitants is taken, which is every five years, the legislature apportions anew the representatives among the counties and districts, according to the number of inhabitants. The whole number of inhabitants, exclusive of persons of Indian descent, who are not civilized, is divided by the number of representatives, 100. The result is called the ratio of representation. The ratio of the last apportionment (1895) was 20,938.

Each representative district must contain as near as may be an equal number of inhabitants. No township or city can be divided in the formation of these districts. If either should contain a population which entitles it to more than one representative, then the inhabitants elect by one general ticket such number as they may be entitled to. For instance, Detroit is entitled to more than one representative, but it cannot be divided into representative districts.

Each organized county is entitled to a separate representative when it has attained a population equal to one-half of the ratio of representation. When it is entitled to more than one representative, the board of supervisors divides the county into representative districts, equal of course to the num-

ber of representatives. Sometimes several counties are in one district, and sometimes one county is divided into several districts, and then again several representatives will be elected from one city. It all depends on the population.

(d) *Election and qualification of members.*—Senators and representatives are elected at the general fall election for the term of two years. They must be citizens of the United States and qualified electors in their respective counties and districts. If they remove from their county or district the office becomes vacant. Persons holding any office under the United States or any county office, except notaries public, are not eligible to a seat in either house of the legislature. Each house is the sole judge of the qualifications, elections and returns of its members. No matter how unjust or partisan their decision, it is final, and there is no appeal to any other authority.

(e) *Meetings and organization.*—The legislature meets at the seat of government (Lansing) on the first Wednesday in January of each year of uneven date. Thus, they meet in 1897, 1899, and so on. They cannot meet at any other time or place, except that the governor may convene them on extraordinary occasions, and at some other place when the seat of government becomes dangerous from disease or a common enemy. When convened in extra session they cannot legislate on any subjects except those

expressly stated in the governor's proclamation, or submitted to them by special message.

The organization is perfected as follows: The secretary of state delivers to the secretary of the preceding senate and to the clerk of the preceding house a list of all the members elect of each house as they have been returned to him by the various county clerks. From this list the secretary of the senate and clerk of the house respectively, call the roll of members, and each house then proceeds to the completion of its organization by the election of its officers.

(f) *Journals*.—Each house is required to keep a journal of its proceedings and to publish the same, except such parts as may require secrecy. The yeas and nays of the members as they vote on the final passage of any bill are entered in this journal. On any other question the yeas and nays may be demanded by one-fifth of the members of either house, and when so demanded they are entered in the journal. It is also the right of any member to protest against any act, proceeding, or resolution which he may deem injurious to any person or the public, and to have the reason for his dissent entered on the journal.

(g) *Quorum*.—A majority of each house constitutes a quorum for the transaction of business. A less number, however, may adjourn from day to day, and compel the attendance of absent members.

(h) *Sessions*.—The doors of each house are required

to be open to the public, unless the public welfare requires secrecy.

(i) *Expulsion of members*.—Either house may expel a member, upon the concurrence of two-thirds of all the members elected to such house; but no member can be expelled the second time for the same cause, or for any cause known to his constituents antecedent to his election.

(j) *Privileges and disabilities of members*.—Senators and representatives are in all cases, except treason, felony or breach of the peace, privileged from arrest. Neither are they subject to any civil process during the session of the legislature, or for 15 days next before the commencement and after the termination of each session.

This privilege is granted for the benefit of the public service. Members are not responsible for any speech they may deliver in either house. Perfect freedom of debate is absolutely necessary in legislative deliberations.

Some of their restrictions are: They cannot receive any civil appointment within this State, or to the senate of the United States, from the governor, the governor and senate, from the legislature, or any other State authority, during the term for which they are elected, viz.: two years. They cannot be interested in any contract with the State or any county thereof, authorized by any law passed during the time for which they are elected, nor for one year thereafter.

It is thus sought to remove from the legislator any temptation to use his public office in furtherance of his private interests.

(*k*) *Compensation of members*.—The compensation of members of the legislature is three dollars per day during the session. Members from the Upper Peninsula may be allowed not to exceed five dollars. When convened in extra session their compensation is the same as above for the first twenty days, but they receive nothing thereafter. They are entitled to ten cents per mile in going to and returning from the place of meeting, and for stationery and newspapers not exceeding five dollars for each member during any session.

(*l*) *Adjournments*.—Neither house of the legislature can adjourn for more than three days, nor to any other place than where they may be in session, without the consent of the other. The time for the final adjournment is fixed by concurrent resolution, oftentimes several weeks before it actually occurs. This final adjournment takes place at 12 o'clock noon. The greater portion of the members depart the day before; and when the hour of final adjournment arrives, the presiding officers of both houses announce the fact and declare their respective houses adjourned *sine die*.

55. Powers of the senate.—Both the senate and the house of representatives possess powers which are peculiar to each. Those of the senate may be said to be :

The power to try impeachments, of which more hereafter;

The power to confirm or reject appointments made by the governor in certain cases;

The power to elect a president *pro tempore* (the lieutenant governor being the regular presiding officer), a secretary, and all other necessary officers ;

The power to determine the rules of its proceedings. While this is a power common to both houses, yet the rules enacted in pursuance of it are not necessarily the same.

56. Powers of the house of representatives.—

Those powers peculiar to the house are :

The power to prefer charges of impeachment, of which more hereafter ;

The power to elect from its own number a presiding officer, who is called the speaker, and all other necessary officers, such as clerk, etc. ;

The power to determine the rules of its proceedings.

57. Powers of the legislature.—(a) *In general*.—

The people have committed to the legislature every law-making power of the State which they have not expressly or impliedly withheld. Plenary power in the legislature is the rule. A prohibition to exercise a particular power is an exception¹.

(b) *Declared powers*.—By declared legislative powers are meant those powers which are expressly granted to the legislature by affirmative declarations found all through the constitution, such as, the legislature shall have power to do so and so. They are indeed quite numerous.

Every positive direction to the legislature contains an implication against everything contrary to it. Most of these powers are permissive, to be exercised or not according as the legislature sees fit.

¹ Cooley.

But if the power is exercised, it must be in accordance with the constitutional provision. They are not prohibited, but conditional powers.

(c) *Prohibited powers.*—The legislature is expressly prohibited from :

Granting extra compensation to any public officer, agent or contractor, after the service has been rendered, or the contract entered into ;

Authorizing by private or special law the sale or conveyance of any real estate belonging to any person ;

Vacating or altering any road laid out by a commissioner of highways, or any street in any city or village ;

Appropriating money for the payment of any religious service in either house ;

Granting divorces ;

Authorizing lotteries, or permitting the sale of lottery tickets ;

Auditing or allowing any private claim or account ;

Establishing a State paper ;

Passing any law to prevent any person from worshiping God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion ;

Appropriating money or property for the benefit of any religious sect or society, or any theological or religious seminary ;

Diminishing or enlarging the civil or political rights of any person on account of his opinion or belief concerning matters of religion ;

Abridging the liberty of speech or of the press ;

Passing bills of attainder, *ex-post facto* laws, or laws impairing the obligations of contracts ;

Suspending the privilege of the writ of habeas corpus, except in case of rebellion or invasion when the public safety may require it.

In a later chapter we shall have occasion to con-

sider the purpose and significance, if not already apparent, of some of these limitations upon the power of the legislature.

58. Enactment of laws.—(a) *In general.*—It is through the medium of laws that the legislative will is declared. The manner in which these laws are enacted ought to be of interest to the student.

(b) *Origin and introduction.*—While any measure is in process of enactment, it is called a *bill*. There are also *joint* and *concurrent resolutions*. The latter are a form of legislation of frequent use in the legislature and recognized in the constitution. They are chiefly used for administrative purposes of a local or temporary character, or for the expression of an opinion or sentiment. A bill or resolution does not become a law until it has received the sanction of the governor as well as of the legislature*.

Bills and resolutions may originate in either house of the legislature, and are introduced by a member of the house in which they originate.

A bill is always introduced by its title. Thus, a member will ask leave to introduce a bill entitled "A bill to punish the crime of murder". The bill is then read a first and second time by its title, and referred to the proper committee. All bills must be introduced during the first fifty days of the session.

(c) *Consideration in committee.*—The work of the legislature is largely carried on by committees.

* But see provision for passing a bill over the governor's veto. Page 78.

Each house has its committees. When bills or resolutions are referred to a committee, parties interested in them may appear and present arguments for and against them. The committee, after consideration, reports the bill back to the senate or house, as the case may be, recommending that it pass or that it do not pass, or frequently without any recommendation whatever. It is then placed on the general order for consideration by the committee of the whole.

(d) *Committee of the whole.*—The committee of the whole in either house is composed of all its members. When the senate or house goes into committee of the whole, the regular presiding officer calls some member to the chair, and then the committee takes up the consideration of bills that have been reported back by the smaller committees. Each bill is read by sections, members offering such amendments as they wish. As each amendment is offered, it is voted on. This is continued until the entire bill is read, when it is passed and another one is taken up. When the committee has completed its work, the presiding officer again takes the chair, and the chairman of the committee reports to him the bills that have been considered. Those which succeed in passing the committee are placed on the order of third reading.

(e) *Third reading.*—Every bill and joint resolution must be read three times in each house before

its final passage. The first two readings are by the title only. Amendments may be offered to a bill or resolution when it is being read the third time. After its reading is completed, the vote on its final passage is taken. If a majority of all the members (in case of bills appropriating public money or property for local or private purposes, two-thirds) vote in its favor, the bill is passed. If it fails of passage, a member may have the vote reconsidered at some future time. On the final passage of all bills the vote is taken by yeas and nays and entered on the journal.

(f) *Concurrence*.—After a bill or resolution has passed one house, it must be transmitted to the other for its concurrence. It then goes through the same course of proceedings that it did in the house where it originated, and if it finally passes, it is returned as concurred in; otherwise it is returned as non-concurred in.

Sometimes a substitute is returned, which is an entirely new bill, covering of course the same subject matter. If the two houses cannot agree, a conference committee is appointed, composed of members from each house, and they endeavor to frame a measure that will be satisfactory to both houses. Frequently this cannot be accomplished, and hence the bill or resolution never becomes a law.

When a bill or resolution passes both houses it is engrossed and enrolled and presented to the governor for his approval.

(g) *Governor's approval*.—Every bill or resolution, before it becomes a law, must be presented to the governor for his approval. If he approves he signs

his name to it, and it is then deposited with the secretary of state. If not, he returns it with his objections to the house in which it originated. This is called vetoing a bill. The house then enters such objections upon the journal, and reconsiders the bill. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it is then sent, with the objections, to the other house, by which it is reconsidered. If approved by two-thirds of the members elected to that house, it becomes a law. This is said to be passing a bill over the governor's veto.

When a bill or resolution is presented to the governor for his approval, and he does not return it within ten days, Sundays excepted, it becomes a law whether he signs it or not, unless the legislature by their adjournment prevent its return, in which case it does not become a law unless signed by the governor. The governor may approve, within five days after the adjournment of the legislature, any act passed during the last five days of the session, and the same will become a law.

59. Laws.—(a) *In general.*—The term law as here used means the declared will of the legislature, expressed in accordance with the forms which we have already learned are necessary to constitute it a law of the State. If it is enacted in disregard of these forms, or is contrary to some provision of either the State or federal constitutions, it is void and not binding

upon any one. The determination of this question is for the courts. It is a delicate task, and one to be entered upon with reluctance and hesitation, but none the less imperative when duty to society or the individual demands it.

(b) *Style*.—The style of laws is: "The People of the State of Michigan enact". This illustrates to some extent the theory that all laws are enacted by the people *through* representatives.

(c) *Stating object*.—No law can embrace more than one object, which must be expressed in its title. This is to prevent a mixing up in one act of a lot of matters having no relation to each other, and only tending to mislead and confuse the legislator as well as the people. It also prevents inserting clauses in a bill of which the title gives no intimation.

(d) *Taking effect*.—Laws do not take effect until the expiration of ninety days from the close of the session at which they were passed, unless the legislature otherwise directs by a two-thirds vote of the members elected to each house.

(e) *Revision*.—No law can be revised, altered or amended by reference to its title only, but the act revised and the section or sections altered or amended must be re-enacted at length. This does not mean that the old law as it originally stood shall be re-enacted, but that as revised or amended it shall be re-enacted.

(f) *Publication*.—All laws of the State are pub-

lished in the English language, and the publication is to be as speedy as possible.

REVIEW QUESTIONS

1. Where is the legislative power vested ?
2. Of what is the legislature composed ?
3. What can you say of the senate, senators, and senatorial districts ?
4. What can you say of the house of representatives, apportionments, etc ?
5. When are senators and representatives elected ?
6. What qualifications are required ?
7. Describe the meetings and organization of the legislature.
8. Name some things that are required to be entered on the journal.
9. What is a quorum ?
10. When may the doors of each house be closed ?
11. May a member be expelled ?
12. Name some of the privileges and disabilities of members.
13. What is the compensation of members ?
14. What can you say of adjournments ?
15. What are the powers of the senate ?
16. Of the house of representatives ?
17. What can you say generally of the powers of the legislature ?
18. Name some of the prohibited powers.
19. Describe the manner of enacting laws.
20. What is a law, and when is it unconstitutional ?
21. What is the style of all laws ?
22. When do they take effect ?
23. How may they be revised, altered or amended ?
24. In what language are they published ?

CHAPTER XI

EXECUTIVE DEPARTMENT

60. In general.—The executive department is composed of various officers engaged in the execution of the laws as they have been enacted by the legislature. They are divided into two classes: those whose duties relate to the entire State, and those whose duties relate to some particular portion of it. About the latter we have already studied under the division of local government, and it remains now to consider something of the former.

61. Executive power.—All executive power is vested in a governor. Executive power is something quite different than the mere performance of duties which are of an executive character. The governor may compel obedience to the laws by calling to his assistance the armed forces of the State, but not so with any other officer. The governor exercises the executive power as his judgment dictates, independently of any prescribed form; but his executive duties and the duties of all other executive officers are prescribed in some constitutional or legislative enactment.

62. Executive officers.—(a) *Governor.*—The gov-

ernor is the chief executive officer of the State, and is the commander-in-chief of its military and naval forces. He may call out such forces to execute the laws, suppress insurrections, and repel invasions. He may require information in writing from the officers of any executive department upon any subject relating to the duties of their respective offices. He gives to the legislature, and at the close of his term to the next legislature, information by message of the condition of the State, and recommends to them such measures as he deems expedient.

He may grant reprieves, commutations, and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations as he may think proper. Upon conviction for treason he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve. He communicates to the legislature information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

He may demand fugitives from justice from the governor of any other State, and may issue warrants for the arrest of fugitives from justice from other States who are found within this State.

He appoints all the principal officers of the State not elected by the people, and the members of the

boards of the various State institutions; and performs a great many other duties not possible to mention here. .

(b) *Lieutenant-governor*.—In case of the impeachment of the governor, his removal from office, death, inability or resignation, or absence from the State, the duties of the office devolve upon the lieutenant-governor, for the residue of the term, or until the disability ceases. When the governor is out of the State in time of war at the head of the military force thereof, the lieutenant-governor acts as commander-in-chief of all the military forces of the State.

By virtue of his office, the lieutenant-governor is president of the senate. In committee of the whole he may debate all questions, and when there is an equal division he gives the casting vote.

c) *Secretary of state*.—This officer has custody of the great seal of the State. The original or enrolled acts of the legislature are kept in his office, and he supervises their publication. All records of the State's title to property are preserved by him, and he records and files the articles of nearly all corporations organized in the State. Records of State elections, statistics, etc., are all filed in his office, and in short he is the record keeper for the State.

(d) *State treasurer*.—The treasurer is the custodian of the funds of the State, and of all books, bonds,

notes, and papers appertaining thereto. He is personally responsible for their safe keeping.

(e) *Commissioner of the land office*.—The State is the owner of and interested in a large amount of lands. Keeping a record of the sale and condition of these lands, and the money received therefor, are among the principal duties of this officer.

(f) *Auditor-general*.—This officer is the State's book-keeper. He keeps an account with the State treasurer, charging him with all moneys received and giving him credit for all moneys paid out. No money can be paid out of the State treasury except on the warrant of the auditor general. He also keeps an account with all State institutions. It is his duty to examine, adjust and settle with all persons indebted to the State. His principal duties, however, are connected with the collection of the State revenues. What these particular duties are will more fully appear when we reach the subject of taxation.

(g) *Attorney-general*.—It is the duty of the attorney general to prosecute and defend all actions in the supreme court, in which the State shall be interested or a party, and when requested by the governor or either branch of the legislature, to appear for the State in any other tribunal in any matter, civil or criminal, in which the State may be interested or a party. He also prosecutes and defends any suit relating to matters connected with the several State

departments. He is the legal adviser of the legislature and all State officers, and consults and advises with the several prosecuting attorneys.

(h) *Superintendent of public instruction.*—This officer is at the head of the educational affairs of the State. He visits annually all State educational institutions, compiles and publishes the school laws, apportions the primary school fund, has general supervision over teachers' institutes, prepares questions for the examination of teachers, and performs a great many other duties in relation to educational matters in the State.

(i) *Election and term of office.*—All of the foregoing officers are elected at the biennial fall election, which occurs in every year of even date. Their term of office is two years.

(j) *Qualifications.*—No person is eligible to the office of governor or lieutenant governor, who has not been five years a citizen of the United States and a resident of this State two years next preceding his election; nor is any person eligible to either office who has not attained the age of thirty years. Any person who is a qualified elector is eligible to any of the other offices.

(k) *Salaries.*—The annual salaries of the foregoing executive officers are:

governor.....	\$4,000
secretary of state.....	800
state treasurer.....	1,000

commissioner of the land office.....	800
auditor general.....	3,000
attorney general.....	800
superintendent of public instruction.	1,000

They can receive no fees or perquisites whatever for the performance of any duties connected with their office.

The lieutenant governor receives the same compensation as members of the legislature.

(1) *Deputies*.—The secretary of state, State treasurer, commissioner of the land office, auditor general, attorney general, and superintendent of public instruction are all authorized to appoint a deputy, who performs the duties of their office in case of their absence, inability, etc.

(m) *Annual reports*.—All of said officers, except the governor and lieutenant governor, make an annual report of the business transacted in their offices for the preceding year. These reports are usually made to the legislature.

(n) *Appointive officers*.—There are a number of executive officers appointed by the governor by and with the advice and consent of the senate. They are :

A commissioner of railroads, whose duty is to examine into the condition and management of all railroads, so far as the same may affect the public interests and the safety of passengers and employes ;

A commissioner of banking, who is charged with

the duty of examining into the financial condition and responsibility of all banks organized under State laws ;

A commissioner of insurance, engaged in enforcing the laws governing the transaction of the business of insurance companies ;

A commissioner of labor, who gathers and compiles statistics in relation to matters of labor and the laboring classes ;

A game and fish warden, engaged in enforcing the laws enacted for the protection of fish and game ;

A librarian, who has charge and general supervision over the State library ; and numerous others, such as State inspector of oils, State inspector of salt, State veterinarian, and a dairy and food commissioner.

63. State boards.—(a) *Board of State auditors.*—This is one of the most important boards of the State. It is composed of the secretary of state, State treasurer, and commissioner of the land office. It is their duty to examine and adjust all claims against the State not otherwise provided for by general law. The State cannot be sued ; so if a person has a claim against the State, he must present it to this board. Their decision in the matter is generally final. They meet on the last Wednesday of each month.

(b) *Board of State canvassers.*—This board is also

composed of the secretary of state, State treasurer and commissioner of the land office. It is their duty to determine the result of all elections for governor and all other State officers. They also canvass the vote on presidential electors, and amendments to the constitution. If their determination is contested, the legislature in joint convention decides which person is elected.

(c) *Board of regents.*—This is composed of eight members, two of whom are elected at each general spring election. They constitute a body corporate, known by the name and title of “The Regents of the University of Michigan”. This board has the general supervision of the State university, and the direction and control of all expenditures from the university interest fund. They elect a president of the university, who is *ex-officio* member of the board and presides at their meetings. He is the principal executive officer of the university.

(d) *State board of education.*—This is composed of three members, one of whom is elected at each general fall election. The superintendent of public instruction is *ex-officio* member of the board, and is its secretary. They have general supervision of the State normal school.

(e) *State board of agriculture.*—This board has the general supervision and management of the Michigan Agricultural college. It has six members, all

appointed by the governor. The governor and president of the college are *ex-officio* members.

(f) *State board of equalization*.—This board is composed of the lieutenant governor, auditor general, secretary of state, State treasurer, and the commissioner of the land office. They meet once every five years for the purpose of equalizing the relative valuations between the several counties for the purposes of taxation. Something further will be said of this in a later chapter.

(g) *State board of health*.—This board consists of six members appointed by the governor for a term of six years. The board appoints a secretary, who becomes the seventh member of the board. It has general supervision of the interests of the life and health of the people of the State. By the coöperation of the township boards of health, it aims at the suppression and exclusion from the State of the dangerous communicable diseases, especially diphtheria, scarlet fever, and small-pox.

(h) *Advisory board in the matter of pardons*.—This board consists of four members appointed by the governor. It is its duty to investigate the cases of such convicts confined in any prison as may petition for pardons, and report to the governor the result of its deliberations, with such recommendations as it may deem best.

(i) *Boards of control*.—There are numerous boards called generally boards of control. They are always

appointed by the governor, and they have the general supervision and management over the various charitable, reformatory, and penal institutions of the State.

(j) *Miscellaneous boards.*—There are a number of other boards in the State of more or less importance, but space will not permit of their description. A few of the more important might be mentioned, such as the State board of corrections and charities, Michigan board of pharmacy, State board of examiners in dentistry, State board of fish commissioners, board of control of railroads, agricultural land grant board, etc., etc.

REVIEW QUESTIONS

1. Of what is the executive department composed?
2. Where is the executive power vested?
3. What are the duties of the governor?
4. Of the lieutenant governor?
5. State what you can of the duties of each of the remaining officers.
6. When are they elected, and what is their term of office?
7. Give the qualifications of each.
8. Give the salaries of each.
9. Name the appointive officers and their duties.
10. Give the State boards, and the duties of each.

CHAPTER XII

JUDICIAL DEPARTMENT

64. Judicial power.—We have learned that the legislative power of the State is vested in a legislature, and the executive power in a governor. Thus these important governing powers of the State are each represented by a single head or authority. Not so with the judicial power. The judicial power of the State is vested in one supreme court, in circuit courts, in probate courts, in justices of the peace, and in municipal courts when established.

This dividing up of the judicial power is not without its reason. No single court could transact all the judicial business of the people. Courts must be divided and their powers classified. Justice must be brought as near to the people as possible. These different courts, with jurisdiction over certain territories and subjects, are created to meet these requirements.

All of these courts are properly a part of the judicial system of the State government, and in treating some of them under the division of local government, we have simply followed out the plan adopted in this work, and have considered them

more with reference to their territorial jurisdiction. Thus the several justice and municipal courts are essentially courts of the township and city, while the circuit and probate courts are established for the administration of justice within the several counties. We now come to the consideration of a court whose jurisdiction and powers extend over the entire State. This court is called the supreme court.

65. Supreme court.—(a) *In general.*—The supreme court is the highest court of the State. It is the court of last resort for all questions arising under the State constitution or laws. It is a court of record, and has a seal.

(b) *Judges.*—The supreme court is composed of five judges. Their term of office is ten years. One goes out of office every two years, and his successor is elected at the general spring election. The one whose term of office will soonest expire acts as chief justice, and the others are called associate justices. They each receive an annual salary of \$7,000.

(c) *Terms.*—Four terms of the supreme court are held each year at Lansing, the seat of government. They commence on the first Tuesday after the first Monday in January, April, June and October.

(d) *Officers.*—Aside from the judges, the court officers are a clerk, a reporter, and a crier. The attorney general is also an officer of the court. All the court officers, except the attorney general, are appointed by the court for indefinite periods.

The clerk has custody of the seal and records of the court, issues its writs, enters its orders, judgments, and decrees, and performs various other duties connected with the business of the court.

The reporter superintends the publishing of the decisions of the court.

The crier has charge of the court rooms, and announces the convening and adjournment of the court.

(e) *Rules*.—The practice of the supreme court, as well as in the various circuit courts, is regulated to a great extent by rules. These rules are prescribed by the supreme court.

(f) *Decisions*.—The decisions of the supreme court are in writing, signed by the judges concurring therein. When a judge dissents from the opinion of the majority of the court, he must give his reasons therefor in writing. These opinions, as they are called, are filed in the office of the clerk, and are afterwards published under the direction of the reporter.

(g) *Jurisdiction*.—The supreme court exercises a general superintending control over all inferior courts. It has power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it has appellate jurisdiction only.

All of the foregoing writs, except the first and the last, have been explained¹.

A writ of error is a writ which issues out of the supreme court for the purpose of bringing into that court for review the record of proceedings in the circuit or superior court, as the case may be, in which proceedings it is claimed by the party applying for the writ there have been errors of law committed. The purpose is to procure in the supreme court a review of the decisions of the circuit judge as to the law applicable to the case.

The writ of procedendo is a writ directing some lower court to proceed to the final hearing of any cause.

The supreme court is in no case a trial court. It is very seldom indeed that testimony is taken before it. It is essentially a court of review. The circuit court is the highest court of original jurisdiction.

66. Courts of conciliation.—The constitution authorizes the legislature to establish courts of conciliation. This power was never exercised, however, until 1889, when a law was passed authorizing the governor to appoint three competent persons as a court of mediation and arbitration. Thus far such a court has not been appointed.

REVIEW QUESTIONS

1. Where is the judicial power vested?
2. How many judges in the supreme court?

¹ Page 44.

3. What is their term of office, their salary, etc. ?
 4. How many and when are the terms of court ?
 5. What are the officers of the court, their duties, etc. ?
 6. What can you say of the rules and decisions of the court ?
 7. What is their jurisdiction ?
 8. What is a writ of error ?
-

CHAPTER XIII

ELECTIONS

67. In general.—The constitution authorizes the legislature to pass any law necessary to preserve the purity of elections and to guard against abuses of the elective franchise. It is through the medium of elections that the right of free government is exercised ; and to preserve this most sacred right, and prevent its debauchery by fraud and corruption, various election laws have been enacted, all striving for one result—secrecy of the ballot and consequent independence of the voter.

68. General elections.—A general election is held in the State each year, alternately in the spring and fall. The spring election is held on the first Monday of April in each year of uneven date, and the fall election on the first Tuesday after the first Monday of November in each year of even date. At the fall election, members of the legislature, representatives in congress, and State and county executive officers are elected. At the spring election, justices of the supreme court and regents of the University are elected.

69. Special elections.—Special elections are held usually to fill vacancies.

70. Township and municipal elections.—Township and municipal elections have already been considered to some extent. They are conducted in practically the same manner as general elections.

71. Qualifications of electors.—The following persons are entitled to vote at all elections in this State :

Every male inhabitant residing in the State on June 24, 1835 ;

Every male inhabitant residing in the State on January 1, 1850 ;

Every male inhabitant of foreign birth who resided in the State two years and six months prior to November 8, 1894, and who had declared his intention to become a citizen of the United States two years and six months prior to said day ;

Every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe ;

Every male inhabitant who is a citizen of the United States ;

But no one is an elector or entitled to vote at any election unless he is above the age of 21 years, and has resided in this State six months, and in the township or ward where he offers to vote, twenty days next preceding such election.

72. Registration.—All persons entitled to vote are obliged to have their name registered prior to election, in a registry book provided for that purpose.

73. Voting precincts.—A township or ward usually constitutes a voting precinct, but where the number of voters become so large in any ward or township as to make it more convenient to receive their votes at different polling places, the township or ward is divided into election precincts. Each elector must vote in the precinct where he resides.

74. Polling places.—Polling places are where the electors vote. They are arranged about as follows: Across the middle of the room where the voting is carried on, a railing is erected. Inside the railing, booths are erected. These booths are small inclosures, high enough to conceal the person of the voter. Doors are usually hung on each side, where the voter may enter, prepare his ballot, and step out on the other side. The officers of the election, and the box where the ballots are deposited, are stationed within the railing. The railing referred to has an entrance and an exit gate. Each one is in charge of an officer.

75. Ballots.—All voting must be done by ballot. The names of all candidates are printed on one ballot. These ballots are printed under the supervision of a board of election commissioners, and are not allowed at any time to come into the possession of private parties.

76. Election officers.—There are certain officers designated by law, whose duty it is to preserve order at the elections, keep a record of all persons voting, take charge of the ballot box, and see that all votes are deposited therein, and to see that every one entitled has the privilege of casting his vote, and that every one not entitled is prevented from so doing. They are called election inspectors.

77. Opening and closing of polls.—At general elections, the polls are opened at 7 o'clock in the

morning and closed at 5 o'clock in the afternoon. The inspectors publicly announce the opening and closing.

78. Manner of voting.—When an elector desires to vote, he enters the apartment where the voting is going on, secures a ballot from one of the inspectors, and enters a booth. After his ballot is prepared, he folds it, steps out, and hands it to another inspector, who deposits it in the ballot box. Upon handing the inspector his ballot, he states his name, and then the poll or registry list is referred to to see if he is registered.

79. Challengers.—Each political party is entitled to a challenger. It is the duty of this officer to challenge any one offering to vote whom he thinks for any reason to be unqualified. The person so challenged, if he wishes to vote, must take an oath as to his qualifications, and if he swears falsely, he may be punished for perjury.

80. Canvass.—The canvass of the votes for township officers is made by the election inspectors. The canvass of votes for county officers by a board of county canvassers; for district officers, such as members of the legislature and circuit judge, by a board of district canvassers; and for State officers, etc., by the State board of canvassers¹.

81. Privileges and disabilities of voters.—Every elector, in all cases except treason, felony or breach

¹ Page 87.

of the peace, is privileged from arrest during his attendance at election, and in going to and returning from the same. No elector is obliged to do militia duty on the day of election, except in time of war or public danger, or to attend court as a suitor or witness. A person who engages in a duel is not permitted to vote at any election.

REVIEW QUESTIONS

1. What is the object of all election laws?
2. How often and when are general elections held?
3. For what are special elections usually held?
4. Give the qualifications of electors.
5. What is a voting precinct?
6. What are polling places, and how are they arranged?
7. How is voting done?
8. What are the duties of election officers?
9. When are the polls opened and closed?
10. Describe the manner of voting.
11. What are the duties of the challengers?
12. How and by whom are votes canvassed?
13. What are the privileges and disabilities of voters?

CHAPTER XIV

PUBLIC OFFICES AND OFFICERS

83. Election and appointment.—No public office can be obtained or exercised except by either election or appointment.

84. Oath of office.—All public officers in this State are required to take the following oath of office.

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this State, and that I will faithfully discharge the duties of —— according to the best of my ability.

No other oath, declaration, or test can be required as a qualification for any office or public trust.

85. Bonds.—A great many officers are required to give bonds for the faithful performance of their public duties. This is particularly true of all officers engaged in receiving and disbursing public moneys.

86. Disqualification.—The qualifications of officers are varied, but there is one thing that equally disqualifies all, viz.: engaging in a duel, either as principal or accessory before the fact.

87. Vacancies.—Every office in this State becomes vacant upon the happening of any of the following

events before the expiration of the term of such office :

(a) The death of the incumbent ;

(b) His resignation ;

(c) His removal from office ;

(d) His ceasing to be an inhabitant of this State ; or, if the office be local, of the district, county, township, city, or village, for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged ;

(e) His conviction of any infamous crime, or of any offence involving a violation of his oath of office ;

(f) The decision of a competent tribunal declaring void his election or appointment ; or generally

(g) His refusal or neglect to take his oath of office, or to give or renew any official bond in the manner and within the time prescribed by law.

Vacancies in the office of a supreme, circuit or probate judge are filled by appointment of the governor until a successor is elected and qualified. When elected the successor holds office the residue of the unexpired term. When a vacancy occurs in any of the State offices, the governor fills the same by appointment, by and with the advice and consent of the senate, if in session. If a vacancy occurs in the office of governor, the powers and duties of the office devolve upon the lieutenant governor ; and in case of the latter's death, resignation, impeachment, etc., the president pro tempore of the senate acts as governor. Vacancies in the office of senator or representative are filled by special election called by the governor. Vacancies in county offices are filled by election, except that a circuit judge may

fill vacancies in the office of county clerk and prosecuting attorney.

88. Impeachments.—The house of representatives has the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors. A majority of the members elected, however, is necessary to direct an impeachment. When an impeachment is directed, the house elects from its body three members, whose duty it is to prosecute such impeachment.

Every impeachment is tried by the senate. When the governor or lieutenant governor is tried, the chief justice of the supreme court presides. When an impeachment is directed, the senators are required to take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person can be convicted without the concurrence of two-thirds of the members elected. Judgment in the case of impeachments cannot extend further than removal from office, but the party convicted is liable to punishment according to law. Impeachments are not tried until after the final adjournment of the legislature.

No judicial officer can exercise his office after an impeachment is directed until he be acquitted. So careful are we of the purity and uprightness of our judiciary, that an accusation merely is sufficient to deprive judges of their office until the truth of the charges can be ascertained.

89. Removal.—(*a*) *Of State officers.*—The governor has the power, and it is his duty, except at such

time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointed, and to remove from office for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any of the following State officers: The attorney general, State treasurer, commissioner of the land office, secretary of state, auditor general, superintendent of public instruction, or members of the State board of education, or any other officer of the State, except legislative and judicial. The latter can only be removed by impeachment proceedings.

(b) *Of county, township, city and village officers.*—The governor can also remove all elective county, township, city, and village officers, whenever he is satisfied from sufficient evidence submitted to him that any such officers have been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or of habitual drunkenness.

(c) *Of school district officers.*—Any district officer or school inspector who illegally uses or disposes of any moneys intrusted to his charge, or shall persistently refuse or neglect to perform his duties, may be removed by the township board.

REVIEW QUESTIONS

1. How can public office be obtained?
2. Repeat the oath of office.

3. What officers are always required to give bonds ?
4. What disqualifies any person for public office ?
5. What may create a vacancy in office ?
6. What authority prefers charges of impeachment ?
7. What authority tries them ?
8. Who may remove State officers, and for what cause ?
9. Who may remove local officers, and for what cause ?
10. Who may remove school district officers, and for what cause ?
11. How and by whom are vacancies in the different State and county offices filled ?

CHAPTER XV

EDUCATION

90. In general.—Educated and intelligent citizens are an absolute necessity in a democratic form of government like our own. That our forefathers were keenly alive to this fact is evidenced by a clause in the ordinance of 1787 which reads as follows :

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Our free school system begins with the primary school, and ends with the University. The mining and State Normal schools, and the Agricultural College are collateral branches of this system, but nevertheless form a part of it.

91. Primary school.—In every school district of the State, a school is required to be maintained for at least three months in each year. All children between the ages of five and twenty are entitled to attend free of charge. If any district neglects to maintain a school for such period, it forfeits its share of the income derived from the primary school fund.

The support of each school is provided for as follows: Section sixteen in every township was set apart and granted by the congress of the United States to the State for the use of schools. The proceeds derived from the sale of such lands constitute the primary school fund. The interest on this fund is used for the support of schools.

A tax of one mill on the dollar is assessed against the taxable property of the township, and when collected, apportioned among the different school districts. This is called the one mill tax.

Another tax used for the support of the school is the district tax, which we have learned is voted by district meeting. See page 21.

Thus the citizen of wealth is made to contribute to the support of a school where the child of his poorer neighbor may receive an education free of charge.

92. Mining school.—A mining school is established at Houghton. Its course of instruction is designed to give students a knowledge of the science, art and practice of mining and the application of machinery thereto. It is supported exclusively by appropriations from the legislature.

93. State normal school.—A State normal school is maintained at Ypsilanti. It is designed as a school of instruction for those persons who wish to become proficient in the art of teaching. Good teachers are essential to good schools. It derives

its support from an endowment fund created by the sale of certain lands granted to it by the State, together with appropriations from the legislature.

94. Agricultural college.—This is a school specially designed for instruction in agriculture and the natural sciences connected therewith. Military tactics and mechanics are also a part of the instruction. It is located at Lansing.

This school also has a permanent fund, created by the partial sale of lands granted to the State by the federal government for such purpose. The interest from such fund, with the appropriations made by the legislature, go to the support of the institution.

95. University.—The University of Michigan is at the head of the educational system of the State, and stands high among the world's greatest schools of learning. Its course of instruction embraces law, literature, and the arts, medicine, dentistry, etc.

Its support is derived from the interest of an endowment fund arising from the sale of lands granted to the State for such purpose, a tax of one-sixth of a mill on each dollar of taxable property in the State, and appropriations from the legislature. Non-resident students contribute to its support by payment of tuition fees. This is to some extent true, however, of all the other educational institutions. It is located at Ann Arbor.

96. Libraries.—At least one public library is

maintained in each township and city. Their support is derived from fines assessed and collected in the county and townships for breach of the penal laws. Direct taxes are also voted by each township and city for their support.

REVIEW QUESTIONS

1. Why are educated citizens essential in our form of government?
2. What is included in our free school system?
3. What can you say of the primary school, its support, etc.?
4. What is the object of the mining school, and how is it supported?
5. Tell the same of each of the other State educational institutions.
6. What are public libraries, and how are they supported?

CHAPTER XVI

STATE INSTITUTIONS

97. In general.—In addition to those institutions of an educational character which we have already studied, there are others which may be classified as charitable, reformatory, and penal.

98. Charitable.—(a) *State public school.*—A State public school is maintained at Coldwater for the care and support of dependent and neglected children. They are fed, educated and clothed until suitable homes can be found for them in private families.

(b) *School for the deaf.*—This institution is located at Flint. Its object is to educate in a general way those persons who are deaf and dumb or either. It teaches them the language of the mute, so that they carry on conversations with each other readily.

(c) *School for the blind.*—This school is at Lansing. Like the school for the deaf, it is a charitable institution where the poor unfortunates of the State may be educated.

(d) *Soldiers' home.*—The State has provided a home for the old soldiers residing therein, who, by reason of disease or other disability, are unable to maintain themselves. It is located at Grand Rapids.

(e) *Insane asylums*.—Asylums for the insane are maintained at Pontiac, Kalamazoo, Traverse City, and Newberry. There is also an asylum for insane criminals at Ionia.

(f) *Home for the feeble-minded and epileptic*.—This is located at Lapeer. Its object is to educate and improve, as far as possible, those who are born or who have by disease become imbecile, feeble-minded, or epileptic.

99. Reformatory and penal.—All institutions for the confinement of offenders against the laws of the State are in a measure both reformatory and penal.

(a) *Industrial school for boys*.—This is a place of confinement for juvenile offenders. It is strictly reformatory. The boys receive a common school education and are taught various industrial trades. It is located at Lansing.

(b) *Industrial school for girls*.—This is an institution corresponding in its purposes and objects with that of the industrial school for boys. It is located at Adrian.

(c) *House of correction and reformatory*.—This institution is located at Ionia, and is a place of confinement for a younger and less hardened class of criminals.

(d) *State prisons*.—There is a State prison at Jackson and a branch of it at Marquette. The older and more hardened class of offenders are confined in these places.

REVIEW QUESTIONS

1. How are State institutions classified ?
2. Name the charitable institutions, and the location and purposes of each.
3. Name the reformatory and penal institutions, and the location and purposes of each.

CHAPTER XVII

TAXATION

100. Definition.—Taxes are the enforced proportional contributions from persons and property levied by the State by virtue of its sovereignty for the support of government, and for public needs¹.

101. Necessity.—The State demands and receives taxes from the subjects of taxation within its jurisdiction that it may be enabled to carry into effect its mandates and perform its manifold functions; and the citizen pays from his property the portion demanded in order that, by means thereof, he may be secured in the enjoyment of the benefits of organized society¹.

102. Classification.—State taxes may be classified as general and specific. For the present we will consider only the former. General taxes may be grouped into State and local. The former embrace taxes levied for the general expenses of government. The latter include the county, township, highway, school and municipal taxes.

103. Uniformity.—Taxes must be assessed and collected according to a uniform rule. That is to

¹ Cooley.

rate of taxation for that township. The assessing officer then multiplies the valuation of each person's property by the rate of taxation, and thus obtains the amount of his tax.

109. Collection.—In each assessment district there is an officer to collect the taxes. This is usually the treasurer of the township or city. He collects all the different taxes, both State and local. The State and county taxes he pays to the county treasurer, who in turn pays the State taxes to the State treasurer. The other taxes he retains in his possession to be paid out on the orders of the proper officers. If any person refuses or neglects to pay his taxes, the collector may seize his personal property and sell sufficient of it to satisfy the tax.

110. Return of delinquent taxes.—Taxes, whether real or personal, are always collected out of the personal property of the person taxed ; if he refuses to pay his tax and has no personal property, the tax is then returned to the county treasurer as delinquent. The collector then receives a warrant from the county treasurer authorizing him to collect such personal taxes as he may be able to, and the taxes assessed against the real estate and returned delinquent are returned to the auditor general for sale as hereafter described.

111. Sale, redemption, and conveyance of delinquent tax lands.—All lands against which taxes remain unpaid are returned to the auditor general by the several county treasurers. The auditor gen-

eral then petitions the circuit court of each county for an order directing the sale of such lands as are delinquent for taxes in that county. Notice of the sale of such lands is published in some newspaper of the county for several weeks. If the owner of any lands delinquent for taxes can show such taxes to be illegal for any reason, the tax is set aside and the lands withheld from sale; otherwise they are sold by the county treasurer for the tax. The owner of the land may redeem from the sale within one year thereafter, by paying the amount of the taxes, etc. After the period of redemption has expired, and if the lands have not been redeemed, the auditor general gives a deed to the purchaser. This is called a tax deed. The purchaser is then entitled to possession of the lands.

112. Specific taxes.—Specific taxes include license taxes, taxes on business or occupations, taxes on franchises and privileges, etc. Thus, the tax on the business of hawking and peddling, or on selling intoxicating liquors, is a specific tax. Taxing the business or income of corporations, such as railroads, or express and insurance companies, is specific taxation.

A large amount of revenue is derived each year from this source. Specific taxes are generally collected by State officers, usually by the auditor general. The rate of specific taxes is fixed by the legislature, while the rate for general taxes, we have learned, is determined by the assessing officer. In the former, the amount is the subject of computation, while in the latter, it

is the rate. All specific taxes, except those received from the mining companies of the upper peninsula, are applied in paying the interest on the primary school, university, and other educational funds; and any part remaining, is added to and constitutes a part of the primary school interest fund.

113. State debts.—The State may contract debts to meet deficits in revenue, but such debts may not exceed \$50,000. It may also contract debts to repel invasion, suppress insurrections, or defend the State in time of war.

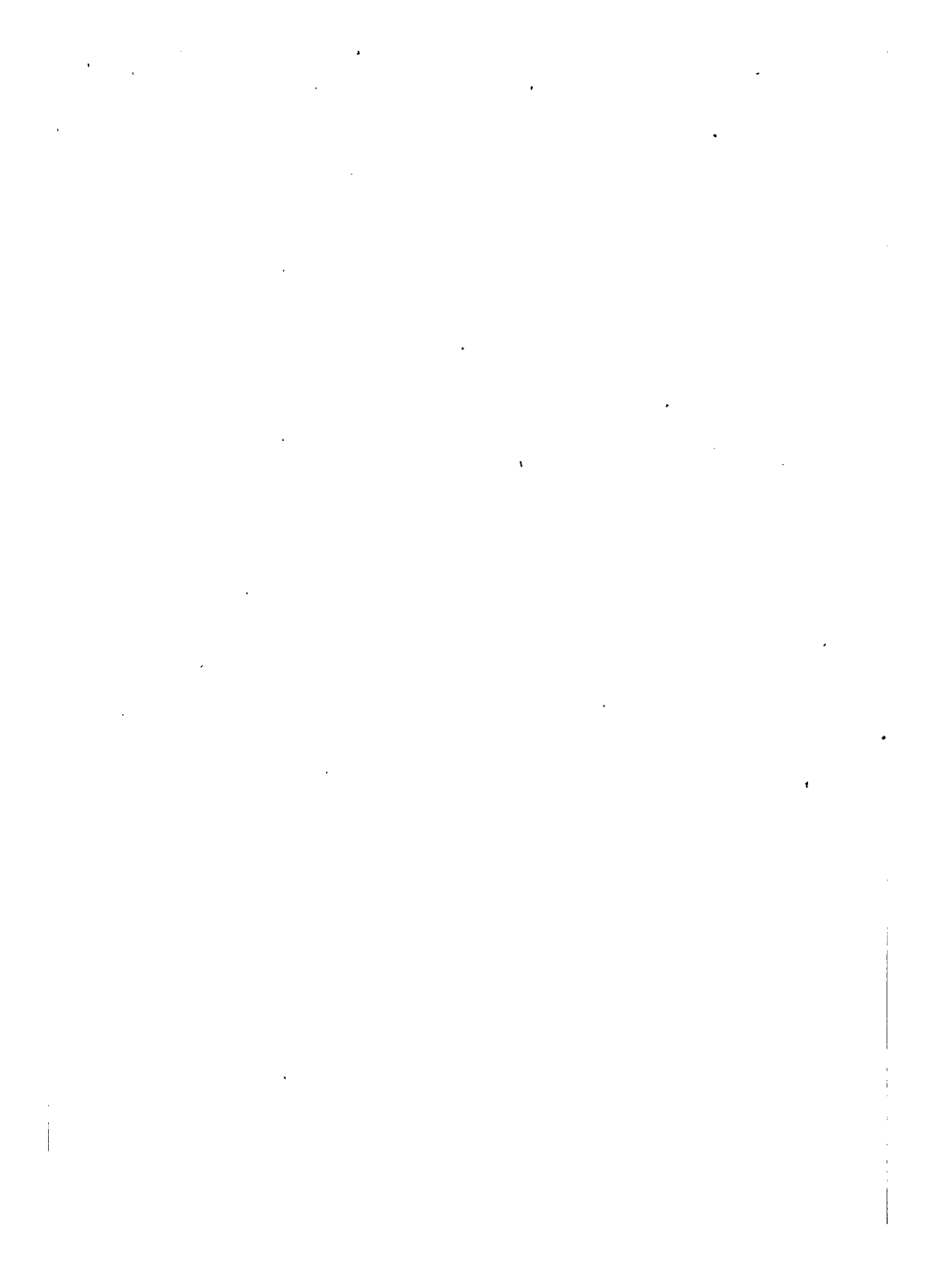
114. State credit.—The credit of the State may not be granted to, or in aid of, any person, association or corporation, nor can the State subscribe to, or be interested in, the stock of any company, association or corporation. No script, certificate, or other evidence of State indebtedness may be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized by the constitution. No money may be paid out of the State treasury except in pursuance of appropriations made by law.

116. Internal Improvements.—The State may not be a party to, or be interested in, any work of internal improvement, nor engaged in carrying on any such work, except in expenditure of grants to the State of land or other property.

REVIEW QUESTIONS

1. What are taxes?
2. Why are they necessary?
3. How are State taxes classified?

4. Must taxes be uniform ?
5. What is equalization, and when is it had ?
6. Describe the apportionment of taxes.
7. What are assessment rolls, and how are they made ?
8. What are the duties of the board of review ?
9. How and when are taxes assessed ?
10. How may the collection of taxes be enforced ?
11. What can you say of the return of delinquent taxes ?
12. Describe the steps necessary in the sale of lands delinquent for taxes, and their redemption and conveyance.
13. What can you say of specific taxes ?
14. Of State debts, credits, etc. ?



UNITED STATES

Section I

ORIGIN AND NATURE

CHAPTER XVIII

GOVERNMENT PRIOR TO THE CONSTITUTION

1. In general.—At the risk of repeating what the student has already learned from the study of history, attention must here be briefly called to government as it existed in this country prior to the adoption of the present constitution, that the student may be acquainted, to some extent at least, with the conditions and influences which finally led to the formation of our national constitution.

2. Colonial governments.—The thirteen colonies, which afterwards became the thirteen original States, existed under three different forms of government, *provincial, proprietary, and charter.*

(a) *Provincial governments.*—This form of government had a governor and council appointed by the king of Great Britain, and a legislature whose upper house was the council, and whose lower house was elected by the people. The governor had a veto

upon the proceedings of the legislature. Laws might be enacted not repugnant to the laws of England, and subject to the ratification of the crown. The governor, with the advice and consent of the council, could establish courts, and appoint judges and other officers.

(b) *Proprietary governments*.—It was the custom of Great Britain to grant by patents portions of its colonial territory to individuals, investing them not only with the title to the soil but also with the general powers of government over all the land so granted. The owner of the soil was called proprietor; hence the term proprietary governments. The proprietor appointed the governors of the territories as well as officers of every other grade, and under his authority legislative assemblies were convened.

(c) *Charter governments*.—These governments were created by letters patent, or grants of the crown, which conferred the soil within the limits defined, and all the powers of government, on the grantees and their associates and successors. These charters distributed the powers of government into three departments, legislative, executive, and judicial; defined the powers of the different branches of the government; and secured to the inhabitants certain political privileges and rights.

3. Effect.—It cannot be doubted that the various forms of colonial governments, especially that of the charter governments, had a marked influence

upon the general form and structure of our State and national constitutions. Indeed, so perfectly in harmony with our form of constitutional government were the charters which governed the old colonies of Connecticut and Rhode Island, that they were allowed to live under them as States of the American Union long after the adoption of our national constitution¹.

4. Unity of the colonies.—Another cause which undoubtedly had its effect in establishing a sort of national feeling among the colonies was the fact that they frequently found it to their advantage to unite temporarily for the purposes of a common defence.

The first union in 1643 was for the purpose of defending themselves against the Indians, and to resist the encroachments of the Dutch. This union embraced the colonies of Massachusetts, Plymouth, Connecticut, and New Haven, and they styled themselves "The United Colonies of New York".

In 1754, seven of the colonies attempted to form a plan of union for the protection of the American colonies against France, but without result. This was followed by the united and concerted action of the colonies from time to time in their common defence against the tyrannical oppressions of Great Britain itself.

¹ Connecticut did not form a State constitution until 1818, nor Rhode Island until 1842.

History has taught the student of the meeting of a congress of delegates in 1765 to protest against the passage of the stamp act, and of the subsequent calling of a continental congress in 1774 in which all the colonies were represented. This feeling of union was made to grow still stronger by the deaf ear which England turned to their appeals made through their congress of 1774. In 1775 another and second continental congress met, which continued its sessions, with occasional adjournments, till the adoption of the present constitution in 1789. This congress declared the independence of the colonies in 1776, and in 1777 gave itself a new legal character by framing the articles of confederation.

5. Declaration of Independence.—So far we have been studying colonies, not States. Each acknowledged allegiance to the mother country, and each was in some measure dependent upon it. The name “United States” was unknown until the declaration of independence. In that famous instrument, its framers declared themselves representatives of the United States of America, and declared that the United Colonies are, and of right ought to be, free and independent States. This was the beginning of the Nation, the transition from colony to State, the transfer of the sovereign authority from Great Britain to the people of America. There was a real government, though as yet no written constitution. It is this first written constitution which now needs our attention.

6. Articles of confederation.—The articles of confederation, which were finally agreed to by the continental congress on November 15, 1777, and which formed the first written constitution of the new nation, were as erroneous in theory as they were inefficient in practice. No executive was provided, and no judiciary. The congress which they established was empowered to declare everything and do nothing. It was at most a body to recommend measures, and the States might adopt or reject them as they saw fit. The government which the articles of confederation created was a mere compact or agreement between independent sovereignties, the States. The articles contained an express declaration that each State retained its sovereignty, freedom, and independence. The States were indifferent to congress and their common concerns; so much so that it sometimes was found difficult to procure a quorum of States for weeks and even months after the day fixed for the meeting.

Internal difficulties, and the contempt with which foreign powers treated the States, at last aroused a feeling that some firmer and closer union was needed; and as a consequence, congress on February 21, 1787, recommended the appointment of a convention for the purpose of revising the articles of confederation, so that they might be "adequate to the exigencies of government and the preservation of the union".

Thus there was to be wrought out under the necessity and pressure of the circumstances of their war with the mother country, and the burdens and duties which the war entailed, a common government for the common defence and the general good of the States. This was the problem which the American people were called upon to solve, and they solved it well.

7. Resume.—The period from the first colonial union down to 1789, when our present constitution was adopted, forms a most instructive and interesting lesson. The first step was the union of the New England colonies in 1643, followed by those of 1754 and 1765. Then came the continental congress, which practically accomplished the union of the colonies for the purpose of carrying on the war. Then came the declaration of independence. This affirmed the union of the colonies in their renunciation of allegiance to Great Britain. Then came the efforts of congress to provide efficient measures to prosecute the war, in which all the States should take part, which resulted in the articles of confederation. The last and final step in this gradual development of a great and powerful union, was the adoption of the present constitution.

REVIEW QUESTIONS

1. Give the different forms of colonial governments, and describe each.
2. What can you say of their effect on our present constitution?

3. Mention the different unions of the colonies, and give your opinion of their effect.

4. What changes in our government were wrought by the declaration of independence ?

5. What was our first written constitution ?

6. What was its great defect ?

7. Was the convention which framed the constitution called for that purpose ?

8. Why was it finally thought that a closer union was needed than the articles of confederation provided ?

9. Give generally the different events which in your judgment eventually resulted in the adoption of our present constitution.

CHAPTER XIX

THE UNITED STATES

8. **In general.**—A learned author has said that “America is a commonwealth of commonwealths, a republic of republics, a state which, while one, is nevertheless composed of other States even more essential to its existence than it is to theirs”¹. That which makes our government unique in its originality, and as one writer has said “a new contribution to political science”² is its distribution of powers. As mentioned in the earlier pages of this book, the solution of this apparently complex system of governmental powers lies in the simple fact that the national government is invested with supreme, absolute, and uncontrollable power over certain specified subjects anywhere within the United States, while each State has, within its particular territory, the same supreme, absolute, and uncontrollable power over every other subject. The national government is one of delegated powers, possessing only such as are conferred upon it in the constitution; while the several State governments possess

¹ Bryce.

² Brownson.

every power which they have not so expressly delegated to the national government. The student cannot fail to observe the force of this when he recalls that thirteen of our present union of States were existing governments long before any central or national government was created. The States were not called into existence by the national government, but the national government was called into existence by the States. For the sake of a common defence and the promotion of their common interests, the States mutually agreed to relinquish certain of their sovereign powers to a central government, retaining every other.

9. The constitution.—(*a*) *Adoption.*—In pursuance of a resolution of congress, the tenor of which has already been mentioned, all the States, except Rhode Island, appointed delegates to a convention which assembled at Philadelphia on May 14, 1787. Although their purpose in meeting was to revise the articles of confederation, there were not a few among them who were determined upon a wholly new constitution, by which a national government would be established with a supreme legislative, executive, and judiciary. That such a plan would be opposed seems hardly credible to us now; but the fear of a strong central government had become deeply rooted by the tyrannical oppressions of the mother country, and combined with the love which had developed for local self-government and local

institutions, it created indeed a formidable opposition to any such thing as a central power. After deliberating upon the matter for over a month, the convention finally resolved to form an entirely new constitution.

A committee of detail was appointed for the purpose of preparing a draft of the constitution, which was afterwards reported to the convention and finally adopted by them September 17, 1787. It was then submitted to conventions of the various States, bodies chosen by the people for that purpose, and finally ratified by them. Nine of the States had approved it by June 21, 1788, and as this was the number agreed upon as sufficient for its adoption, the constitution may be said to have gone into operation and effect at that time, although the government created by it did not commence operations until the following year.

The constitution was not adopted without a fierce and determined struggle. There were two opposing forces in the convention, and when it was submitted to the States for ratification, the scene of battle was only transferred to them. There were able and patriotic statesmen whose views as to the form of government that should be adopted were so widely divergent, that it seemed scarcely possible to reconcile them. The fear that a strong, centralized government would endanger the rights of the States and the individual liberties of the citizens, had

taken strong hold of the people ; but on the other hand there were many who realized that their safety from difficulties within and from enemies without lay in the establishment of a government which could command the obedience of its citizens and the respect of other nations.

Thus on the one hand, we had the advocates of a powerful centralized government, and on the other, the friends of State governments and local institutions. The consequence was inevitable. A compromise had to be effected. While establishing a durable central power, self-sustaining and self-executing, regard had to be paid to the existing State sovereignties. As a result we have what Bryce declares to be the striking and pervading characteristic of our political system, viz.; the existence of a double government, a double allegiance, and a double patriotism.

(b) *Amendments*.—Amendments to the constitution may be adopted in two ways. (1) Whenever two-thirds of both houses of congress shall deem it necessary, they may propose amendments ; and if ratified by three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification is proposed by congress, the same become a part of the constitution. (2) The second only differs from the first in the manner of proposal. Thus, it is the duty of congress, on the application of the legislatures of two-thirds of the several States, to

call a convention for proposing amendments. Such amendments may be ratified in either of the modes above mentioned.

Nineteen amendments have been proposed since the adoption of the constitution, fifteen of which have been ratified. They have all been proposed by congress and ratified by the legislatures of the several States.

The only limitation upon this power of amendment which has any force at the present time, is the one that "no State, without its consent, shall be deprived of its equal suffrage in the senate".

(c) *Purpose*.—The purpose of the framers of the constitution cannot be better expressed than in the words of the first clause of the constitution :

We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

(d) *Supremacy*.—The constitution of the United States, and all laws made in pursuance thereof, and all treaties made with foreign countries under authority of the United States, are expressly declared to be the supreme law of the land. The judges in every State are bound thereby, anything in the constitution or laws of their State to the contrary notwithstanding. Thus the supremacy of the national over the State governments is affirmed, and the

strength and perpetuity of the union assured. If a law of a State, though in accordance with the constitution of that State, should be in conflict with the constitution or laws of the United States, it must yield. The law of a State must be in accordance not only with its own constitution, but with the constitution and laws of the United States.

10. Departments of government.—The national government, like the State governments, has three departments, legislative, executive and judicial. The first is represented by a congress, the second by a president, and the third by various courts. Each exercises its prerogatives and powers independent of the other, but all, of course, are subject to the constitution. The general character of each is much the same as that of the State.

11. Relation of the national and State governments.—We have observed that the relation of the various local governments to that of the State is one of agency for the administration of State affairs. To the casual observer this might be thought true of the State in its relation to the national government. But such is not the case. The State has practically nothing to do with the administration of the federal laws within its territory. The national government acts directly upon the citizen of each State through its own officers, treating him as a citizen of its own, equally bound by its laws. There is no such thing as local government in national

affairs. Everything proceeds from the central authority at Washington.

Then again, the various local governments are mere creations of the State, dependent for their existence and powers upon the sovereign will which gave them birth. But with the State and national governments, each is self-sustaining and self-executing; each is supreme within its own proper sphere; neither depends entirely upon the other for its existence, yet both go to make up the organized government under which we live. Independent, yet dependent; supreme, yet subordinate, the relation of one to the other is "like a great factory wherein two sets of machinery are at work, their revolving wheels apparently intermixed, their bands crossing one another, yet each set doing its own work without touching or hampering the other."

REVIEW QUESTIONS

1. What is the striking characteristic of our form of government?
2. State what you can of the adoption of the constitution.
3. How may the constitution be amended?
4. How many amendments have been proposed and ratified, and in what manner?
5. Recite the preamble to the constitution.
6. What is the supreme law of the land?
7. What are the different departments of government?
8. Describe as best you can the relation of State and national governments.

Section II

LEGISLATIVE DEPARTMENT

CHAPTER XX

CONGRESS

12. In general.—All legislative powers granted by the people of the several States to their national government, are vested in a congress of the United States, consisting of a senate and house of representatives.

13. Senate.—(a) *How composed.*—The senate is composed of two senators from each State. Each senator has one vote. The little State of Rhode Island has an equal representation in the senate with the State of New York or of Michigan or of Texas. The Senate may be said to represent the States as such, while the house represents the people.

(b) *Election and term of office.*—Senators are chosen by the legislatures of the several States. The time, place and manner of their election may be regulated by the State, subject to alteration by congress. Congress cannot, however, change the *place* of choosing senators.

The term of office of senators is six years.

(c) *Classification*.—The senators are divided into three classes, so that one-third of them go out of office every two years. The terms of office of the two senators from each State expire at different times. The senate is thus insured of having at all times experienced members.

(d) *Qualifications*.—To be eligible to the office of senator, a person must have attained the age of 30 years, must have been 9 years a citizen of the United States, and must be when elected an inhabitant of the State for which he is elected.

(e) *Vacancies*.—If a vacancy happens in the office of senator, the governor of the State which such senator represents is authorized to fill the same by appointment until the legislature meets, when it fills the vacancy.

(f) *Officers*.—The vice-president of the United States is the presiding officer of the senate, but he has no vote unless the senate is equally divided. The senate chooses all other necessary officers, including a president *pro tempore*, secretary, sergeant-at-arms, etc.

(g) *Powers other than legislative*.—Those powers which are distinctively senate powers, being exercised independently of the house, are :

The power to ratify treaties proposed by the president ;

The power to confirm the president's appointments of ambassadors, public ministers and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not otherwise provided for in the constitution ;

The power to elect a vice-president of the United States in case the presidential electors fail to do so; and

The power to try all impeachments.

14. House of representatives.—(a) *How composed.*

—The house of representatives is composed of members chosen every second year by the people of the several States.

(b) *Election and term of office.*—Representatives in congress are the only officers in the national government voted for directly by the people. The State legislature divides the State into as many congressional districts as the State is entitled to representatives in congress, and from each district a representative is elected. Every person qualified to vote for a representative in the State legislature can vote for a representative in congress. The time, place and manner of their election are left to the States, subject to alteration by congress. The qualifications of voters who elect United States representatives are determined by the several States.

The term of office of representatives is two years.

(c) *Qualifications.*—To be eligible for representative a person must have attained the age of 25 years, must have been 7 years a citizen of the United States, and must be an inhabitant of the State from which he is elected.

(d) *Apportionment.*—We have seen that each State is entitled to two senators, regardless of its size, population, or wealth; but representation in the lower

house of congress, which was designed to be more of a representative body of the whole people, must necessarily be on a different basis. Representatives, therefore, are apportioned among the several States according to their respective populations, "counting the whole number of persons in each, excluding Indians not taxed".

The first enumeration of inhabitants for the purposes of apportionment was made in 1790, and one has been made every ten years since that time.

The number of representatives may not exceed one to every 30,000 inhabitants; but each State is entitled to at least one representative. The ratio of apportionment after the first enumeration was 33,000. The last ratio (1893) was 173,901.

The number of representatives is subject to change by congress. The constitution does not attempt to fix it. After the enumeration or census of inhabitants is taken, congress determines the number of representatives. The population of all the States is divided by the number of representatives, and the result is the ratio of representation. The population of each State is then divided by this ratio, and the result is the number of representatives to which such State is entitled.

(e) *Vacancies*.—Whenever a vacancy happens in the representation from any State, the governor thereof is required to issue writs of election to fill the same.

(f) *Officers.*—The house of representatives chooses its presiding officer from among its own number. He is called the speaker. It also chooses all other necessary officers, such as speaker *pro tem.*, clerk, sergeant-at-arms, etc.

(g) *Powers other than legislative.*—The powers which may properly be classed as house powers are only two, viz.:

The power to prefer charges of impeachment; and

The power to elect a president of the United States when the presidential electors fail to do so.

15. Provisions common to both houses.—(a) *Meetings.*—Congress is required to meet at least once each year, on the first Monday of December. On extraordinary occasions, the president may convene it in extra session.

(b) *Membership.*—Each house of congress is the sole judge of the elections, returns, and qualifications of its own members. There is no appeal from its decision.

(c) *Quorum.*—A majority of each house constitutes a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

(d) *Journals.*—Each house is required to keep a journal of its proceedings, and to publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any

question, must be entered on the journal if one-fifth of those present so desire.

The reader will notice that congress may pass bills without a yea and nay vote, while in some State legislatures, as in Michigan, the yeas and nays are taken on the final passage of all bills.

(e) *Rules*.—Each house has the right to determine the rules of its proceedings. There is often quite a marked contrast between some of the rules governing each.

(f) *Control of members*.—Each house may punish its members for disorderly behavior, and with the concurrence of two-thirds, may expel a member. There have been instances where members have been expelled, but fortunately they are not frequent.

(g) *Compensation of members*.—Both senators and representatives receive an annual salary of \$5,000. The speaker of the house receives an annual salary of \$8,000.

(h) *Privileges of members*.—Members of congress are, in all cases, except treason, felony and breach of the peace, privileged from arrest during their attendance upon any session of their respective houses, and in going to and returning from the same.

A member cannot be questioned in any other place for any speech or debate which he may make in either house.

(i) *Disabilities of members*.—No senator or representative may, during the time for which he is

elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time. The purpose of this has been explained¹. No person holding any office under the United States may be a member of either house during his continuance in office.

(j) *Adjournments*.—During the session of congress, neither house may adjourn for more than three days without the consent of the other, nor to any other place than that in which the two houses shall be sitting.

REVIEW QUESTIONS

1. Where are the legislative powers of the government vested ?
2. Of what does congress consist ?
3. How is the senate composed ?
4. How are senators elected, and what is their term of office ?
5. How are they classified, and what are their qualifications ?
6. Who is the presiding officer of the senate ?
7. Give the senate powers.
8. Of what is the house of representatives composed ?
9. What are the qualifications of representatives ?
10. How are representatives apportioned ?
11. What is the presiding officer called ?
12. Give the house powers.
13. When does congress meet ?
14. Who judges of the qualifications of members of congress ?
15. What is a quorum ?
16. What can you say of the journals of congress ?
17. What of the rules of each house, and the control of members ?
18. What is the compensation of senators and representatives ?
19. What are their privileges and disabilities ?

CHAPTER XXI

LEGISLATION IN CONGRESS

16. Origin of bills.—All bills for raising revenue must originate in the house of representatives, but the senate may propose or concur in amendments, as on other bills.

The evident purpose of this is to keep the taxing power with that branch of congress which more nearly represents the people at large. But as the senate may propose or concur in amendments to such bills, and even originate bills appropriating public moneys, there would seem to be but little reason for this limitation on its powers.

All other bills may originate in either house.

17. Consideration of bills.—Bills and resolutions in congress are considered in much the same manner as they are in the State legislature. They go through practically the same course of proceedings, being referred to committees, and after consideration by them, being referred back to the house or senate, as the case may be, where they are considered in committee of the whole, and after receiving three several readings, are placed upon their final passage. A bill in congress, like a bill in the legislature, is subject to amendment any time during its pendency. Either house may concur in or reject

amendments made by the other, or reject the bill entirely. Both houses must concur in the final passage of all bills and resolutions.

18. Approval by president.—(a) *Bills.*—Every bill which passes both houses of congress, before it becomes a law, must be presented to the president for his approval. If he approves it he signs it; if not, he returns it with his objections, to the house in which it originated. Such house then enters the objections at large upon its journal and proceeds to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it is then sent, together with the objections, to the other house, by which it is likewise reconsidered, and if approved by two-thirds of that house, the bill becomes a law. In such cases, the yeas and nays of the members of both houses are taken and entered on the journal.

If any bill is not returned by the president within 10 days, Sundays excepted, after it has been presented to him, the same becomes a law in the same manner as if he had signed it, unless congress by adjournment prevents its return, in which case it does not become a law.

(b) *Resolutions.*—Every order, resolution or vote, in which the concurrence of both houses of congress is necessary, except on a question of adjournment, must be presented to the president for his approval; and before the same can take effect, must be approved by him, or if disapproved, must be repassed

by two-thirds of both houses of congress in every respect the same as a bill.

This prevents the passage of measures which might in reality be bills, but under the guise of resolutions be railroaded through congress without the fear of meeting the executive veto.

19. Enacting clause.—The enacting clause of all laws passed by congress is :

Be it enacted by the senate and house of representatives of the United States of America in Congress assembled.

REVIEW QUESTIONS

1. Where may revenue bills originate ?
2. Where may all other bills originate ?
3. What are the powers of the senate in relation to revenue bills ?
4. How are bills considered in congress ?
5. State what you can of the approval of bills by the president.
6. Must resolutions be approved by him ?
7. What is the enacting clause of bills in congress ?

CHAPTER XXII

POWERS OF CONGRESS

20. General powers.—All legislative powers granted by the constitution are vested in congress.

Congress is also empowered generally to make all laws which shall be necessary and proper for carrying into execution all powers vested by the constitution in the government of the United States, or in any department or officer thereof.

In addition to this general authority, there are certain specified subjects over which it is expressly declared congress shall have power, and it is these we consider in this chapter.

21. Taxes, duties, etc.—(a) *Definitions.*—Taxes are of two kinds, *direct* and *indirect*. Congress may lay and collect either or both.

Direct taxes are such as are assessed upon the property, person, business, or income of those who are to pay them. This is the form of tax usually imposed by the State.

Indirect taxes are those which are levied on commodities before they reach the consumer, and are paid by those upon whom they ultimately fall, not as taxes, but as part of the market price of the com-

modity. They are mentioned in the constitution as duties, imposts, and excises. There have been but a few instances of direct taxation, the support of the government being derived almost wholly from duties on imports and excises on articles manufactured in this country, such as liquor and tobacco. The latter are called internal revenue taxes.

(b) *Apportionment and uniformity.*—Direct taxes are required to be apportioned among the several States according to their respective population. Indirect taxes are required to be uniform throughout the United States.

(c) *Purpose.*—The purposes for which taxes may be laid by the general government are declared to be, “to pay the debts and provide for the common defence and general welfare of the United States”.

(d) *Limitations.*—The only limitations upon the power of congress to tax are found in the requirements of the constitution as to the apportionment of direct taxes, the uniformity of indirect taxes, and the express prohibition that “no tax or duty shall be laid on articles exported from any State”. To these is added the implied limitation that no tax shall be laid on a State, or its agencies of government.

(e) *Collection.*—For the purpose of collecting duties on imports, collection-districts are established in all those States where goods may be landed from foreign countries.

Michigan is divided into four districts, with collectors stationed at Detroit, Port Huron, Grand Haven and Marquette.

Internal revenue taxes are collected in much the same manner. States and Territories are divided into collection districts, and collecting officers appointed for such districts.

22. Loans.—Congress is empowered to borrow money on the credit of the United States. All nations possess this power, and all have exercised it to a more or less extent. The usual mode of borrowing money is by the issuance of government bonds. These bonds bear a given rate of interest, and are payable at some future time. Money is obtained on them for present needs, and they in turn are payable in money.

The public debt in 1791 was \$75,000,000, and on November 1, 1895, was \$1,717,481,779. It reached the highest point July 1, 1866, when it was \$2,773,236,173.

23. Commerce.—Commerce is the exchange of goods, productions of property of any kind, especially on a large scale, as between states or nations. The regulation of commerce with foreign nations, among the United States, and with the Indian tribes, is left to the control of congress.

To regulate commerce is to prescribe the rules by which it is to be carried on. Thus, congress has passed laws for the registry and recording of all vessels owned by American citizens; it has prescribed regulations for the clearance and entry of all vessels bound for foreign ports; and has levied tonnage duties, and

fixed regulations for the government of navigation, such as the carrying of lights by steamers, the blowing of fog-signals, the steering and sailing of vessels to prevent collision, etc., etc.

Commerce among the States is free. The exports from any State cannot be taxed, and the duties on imports from foreign nations must be uniform in all the States ; but subject to these limitations, congress has plenary power over the subject.

24. Naturalization.—Naturalization is the conferring of citizenship on a person of foreign birth. The right to establish a uniform rule of naturalization throughout the United States is expressly given to congress. Persons born in the United States are citizens thereof, and of the State wherein they reside, without the aid of any naturalization ; but if an alien wishes to become a citizen of the United States, he must comply with the following conditions :

First—He must declare before some court two years at least prior to his admission, that it is his intention to become a citizen of the United States, and to renounce allegiance to his native country.

Second—He must take an oath to support the constitution of the United States.

Third—It must appear before he is admitted that he has resided in the United States five years, and in the State where he is admitted, one year.

Thus our citizens are of two classes, native-born and naturalized.

25. Bankruptcy.—Congress may establish uniform laws on the subject of bankruptcies throughout the United States.

These laws usually provide that whenever a person becomes insolvent, that is, unable to pay his debts in full, he may on his own petition, or on the petition of his creditors, be declared a bankrupt. The object of the proceeding, so far as the bankrupt is concerned, is to obtain a discharge from his debts, so that the property which he may thereafter accumulate will be free from any claim of his former creditors. It also prevents the debtor from preferring creditors; that is, from securing or paying one or more creditors in full, with a corresponding loss to others less favored.

26. Money, its coinage, value, etc.—(a) *Defined.*—Money is the medium by which the value of all other products is measured.

The essential natural functions of money may be stated as including these three: first, it is a commodity, having a value of its own; second, it is a measure of common values; third, it has a general exchangeability, and is therefore a general medium of exchange.

(b) *Coinage and value.*—Congress has the power to coin money, to regulate its value, and to establish the value of foreign coin. To coin money is to mould the metal into some form adopted by the government, and place upon it the government stamp. Money is coined at places called mints. These are established in various parts of the country.

To regulate the value of money is to determine the amount and kind of metal that shall enter into the composition of each unit of value and its fractional parts. The unit of value in this country is the gold dollar piece.

The value of each dollar in relation to other commodities is determined by the laws of trade, and of course is fluctuating. In regulating the value of foreign coin, congress simply establishes the rates at which it may be received in this country for duties on imports. For instance, the English merchant ships goods to this country, and in paying the duty he hands the customs officer the pound sterling of Great Britain, and it is received here at \$4.88.

(c) *Denominations.*—The various coins are divided into different denominations for convenience in exchange. The gold coins of the United States are the one-dollar piece, which is the unit of value*; a quarter-eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece.

The silver coins of the United States are the silver dollars, half-dollar, quarter-dollar, and ten-cent pieces. The nickle and bronze coins are the five-cent and one-cent pieces respectively.

(d) *Paper money.*—This is a form of money in very general circulation throughout the United States. It consists of gold and silver certificates, treasury notes, United States notes (commonly called greenbacks), and national-bank notes. These are of various denominations, but none less than one dollar.

(e) *Legal tender*†.—Gold coins of any denomina-

*Coinage discontinued in 1890.

† By legal tender we mean that kind of money with which every person has the right to pay and discharge his debts and obligations.

tion are a legal tender for all debts, both public and private, to any amount. Silver dollars are likewise a legal tender, except where it is otherwise specified in the contract. Silver coins of a less denomination than one dollar, are a legal tender to the amount of ten dollars. The minor coins are a legal tender for any amount not exceeding twenty-five cents. Treasury notes are a legal tender except when otherwise stipulated in the contract. United States notes, or greenbacks, are a legal tender for all debts, both public and private, except duties on imports and interest on public debt. Gold and silver certificates and national bank notes are not a legal tender, but both classes of certificates are receivable for all public dues, while national bank notes are receivable for all public dues except duties on imports.

(f) *Counterfeiting*.—Congress is empowered to punish the counterfeiting of the securities and current coin of the United States. By securities is meant the bonds or other obligations of the government, such as treasury notes, etc.

27. Weights and measures.—By money we express the prices or relative values of all commodities, and by weights and measures we ascertain the quantities of commodities. As we need uniformity in money, so we need it in all measures of quantity; but for some reason congress has never exercised the power given it to fix the standard of weights and measures, and therefore each State has been

obliged to adopt a system of its own. Notwithstanding this, the systems adopted by the different States are quite uniform.

28. Post-offices and post-roads.—By virtue of the power given congress to establish post-offices and post-roads, it has authorized the postmaster general to establish post-offices at such places as he may deem expedient. This has brought into existence a department of the government service more intimately associated with the every day affairs of the people than any other. Every town worthy the name, has its post-office and postmaster.

Postage on all mail matter is required to be prepaid. The issuance of postage stamps, postal cards, etc., is under the supervision of the post-office department. Contracts for carrying the mail are made between the government and private parties. Railroads and steamship lines carrying the greater portion of the mails.

The post-roads are declared to be all the waters of the United States, all railroads, canals, plank roads, or any other road or route over which mail is regularly carried by the employes or contractors of the government.

29. Patents, trade-marks, and copyrights.—In order to promote the progress of science and the useful arts, congress is empowered to secure, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

A patent is a grant made by the government to an inventor, conveying and securing to him the exclu-

sive right to make and sell his invention for a term of years.

A *trade-mark* is a distinctive mark, device, or emblem, which a manufacturer stamps, prints, or otherwise affixes to the goods he produces, so that they may be identified in the market, and their origin be vouched for.

A *copyright* is a right granted by the government to the author or originator of certain literary or artistic productions, whereby he is invested, for a limited period, with the sole and exclusive privilege of multiplying copies of the same, and publishing and selling them.

Patents remain in force for the term of 17 years, trade-marks for 30 years, and copyrights for 28 years. Patents cannot be renewed, but trade-marks and copyrights may be renewed for 30 years, and 14 years, respectively.

30. Piracy.—Congress may define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

Piracy is robbery at sea, and the penalty is death. *Felony* is a degree of crime of considerable gravity. In Michigan, it is an offence punishable by imprisonment in the State prison. By the term *high seas* is meant the ocean, including the waters along the coast beyond low-water mark.

The purpose of vesting this power in congress is apparent. The criminal jurisdiction of the States extends only to their borders, and were not this power vested in congress, murder and robbery at sea might be committed without fear of punishment.

It also seems naturally to fall to the same authority that controls commerce and navigation.

Offences against the laws of nations must be punished the same as offences against the laws of a State. If one nation should refuse to punish its citizens for interfering with the rights of another nation, no other course would be open to the offended nation than to retaliate, and thus peaceful relations would be disturbed.

31. War.—War is an armed contest between nations, and as no one State should be allowed to involve the whole nation in war with another country, the power to declare war is reposed in congress.

Civil war exists where a nation is engaged in armed conflict with a section of its own citizens.

32. The army.—When we speak of the army, we mean the armed forces of the nation intended for military service on land. The power to support and maintain an army is expressly conferred upon congress. The power to declare war which is given congress would be quite useless without the further power to provide and maintain an army.

The United States army consists of military officers ranging from general down to captain, numerous regiments of artillery, cavalry, infantry, etc., together with various departments for its regulation and support.

33. The navy.—The United States navy may be said to be the aggregate of vessels belonging to this nation which are designed for purposes of war. The navy is to the sea what the army is to the land. Congress is given the right to support and maintain a navy in all respects as it supports and maintains an army.

It is to the navy we look for protection to our sea coasts. Officers of the navy are divided into grades from that of admiral down to midshipman.

34. Rules.—As a necessary incident to the three foregoing powers, congress is given authority to make rules concerning captures on land and water, and for the government and regulation of the land naval forces.

35. The militia.—The militia is that great body of soldiers in this country enrolled for discipline, but not engaged in actual service except in emergencies, as distinguished from regular troops or the standing army. They are often called the citizen soldiery of the country.

Congress may call forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions. They may also provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

Every able-bodied male citizen between the ages of eighteen and forty-five years is enrolled in the militia, and is liable to military duty in case of war, rebellion, etc. The active militia are what is known as State troops.

36. Marque and reprisal.—Congress has power

to grant letters of marque and reprisal. A letter of marque and reprisal is a commission issued by the government to a private individual, authorizing him to take the property of a foreign state, or of the citizens or subjects of such state, as a reparation for an injury committed by such state, its citizens or subjects. Reprisals ought not to be granted except in case of a clear denial of justice by the offending government.

37. Other subjects.—There are various other subjects over which congress exercises authority, but which are more properly considered under other heads. Thus, congress is empowered :

To make regulations as to the time and manner of electing representatives and senators in congress ;

To exercise exclusive legislation over the District of Columbia, and over all places purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings ;

To determine the time of choosing presidential electors ;

To establish courts inferior to the supreme court ;

To declare the punishment of treason against the United States ;

To prescribe the manner in which the public acts, records, and judicial proceedings of one State shall be proved in another State, and the effect thereof ;

To admit new States ;

To dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and

To propose amendments to the constitution.

REVIEW QUESTIONS

1. What are the general powers of congress ?
2. What are the powers of congress in relation to taxation ?

3. In relation to loans ?
4. What is commerce, and by whom regulated ?
5. What is naturalization, and how may it be acquired ?
6. What is bankruptcy ?
7. Define money, and state what you can in relation to its coinage, value, etc.
8. May congress fix the standard of weights and measures ?
9. What can you say of post-offices and post-roads ?
10. Of patents, trade-marks and copyrights ?
11. Define piracy ; felony.
12. What is the punishment of each ?
13. What is war, and by whom may it be declared ?
14. What can you say of the army, the navy, and the militia ?
15. What are letters of marque and reprisal, and by whom may they be granted ?
16. Name other subjects over which congress exercises control.

Section III

EXECUTIVE DEPARTMENT

CHAPTER XXIII

THE PRESIDENT AND VICE-PRESIDENT

38. Executive power.—The executive power of the United States is vested in a president. We have already alluded to the difference between executive power and executive duties. To be vested with the executive power of a great nation like our own, is indeed a great honor as well as a great responsibility. The office of president of the United States is the highest executive office in the land. Able and patriotic statesmen have occupied it, and many more have aspired to the position.

The president receives an annual salary of \$50,000, and the vice-president, \$8,000. The salary of the president cannot be increased or diminished during his term of office.

39. Election.—The president and vice-president may be elected by either of the following methods, the latter being contingent upon a failure to elect by the first.

(a) *By presidential electors.*—Each State appoints, in such manner as the legislature thereof may

direct¹, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in congress ; but no senator or representative, or person holding any office of trust or profit under the United States may be appointed an elector. The time of choosing electors is fixed by congress, and occurs on the first Tuesday next after the first Monday of November.

The electors then meet in their respective States, congress determining the time, which is on the second Monday of January following their appointment. They vote by ballot for president and vice-president, one of whom at least must not be an inhabitant of the same State with themselves². They name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president.

The electors then make out separate lists showing the persons voted for as president and vice-president respectively, and the number of votes cast for each. These lists are signed and certified to by them, and transmitted under seal to the seat of government at Washington, directed to the president of the senate (the vice-president of the United States).

The president of the senate, in the presence of the senate and house of representatives, opens all the certificates, and the votes are then counted. The person having the greatest number of votes for president is elected to that office, if such number be a majority of the whole number of electors appointed ; and the person having the greatest number of votes for vice-president, receives the election to that office, if such number be a majority of the whole number of electors appointed

(b) *By the senate and house of representatives.*—In order to a choice by the presidential electors, the

¹ For a great many years past, the electors have always been elected by the people.

² This virtually prohibits a president and vice-president being elected from the same State,

persons voted for as president and vice-president must receive the vote of a majority of all the electors. Cases have arisen where no person received the requisite number of votes for either office, and the choice of president then devolves upon the house of representatives, and the choice of vice-president upon the senate¹.

From the persons having the highest number on the list of those voted for as president, not exceeding three, the house of representatives chooses, by ballot, a president. The votes are taken by States, the representation from each State having one vote.

For the purpose of electing a president, a quorum of the house consists of one or more members from two-thirds of the States. A majority of all the States is necessary to a choice. If the house fails to make a choice of president, when the right devolves upon them, before March 4 next following, the vice-president acts as president.

From the two highest numbers on the list of those voted for as vice-president, the senate chooses a vice-president. A quorum for this purpose consists of two-thirds of the whole number of senators, and a majority of the whole number is necessary to a choice.

40. Term of office.—The term of office of the president and vice-president is four years, commencing on March 4 after their election.

41. Qualifications.—No person except a natural born citizen is eligible to the office of president or vice-president of the United States, nor is any person eligible to either office who has not attained the

¹ Thomas Jefferson and John Quincy Adams were both elected president by the house, and Richard M. Johnson was elected vice-president by the senate.

age of 35 years, and been 14 years a resident of the United States.

42. Vacancy in office of president.—In case of the removal from office of the president, or of his death, resignation, or inability to discharge the powers and duties of his office, the same devolve on the vice-president. In case of the death, removal, resignation or inability, both of president and vice-president, the members of the cabinet, in the following order, act as president: The secretary of state, secretary of the treasury, secretary of war, attorney general, postmaster general, secretary of the navy, secretary of the interior and secretary of agriculture.

43. Oath of office.—Before the president enters on the execution of the duties of his office, he takes the following oath:

I do solemnly swear that I will execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States.

REVIEW QUESTIONS

1. In whom is the executive power of the United States vested?
2. Describe the manner of electing a president, and vice-president.
3. What is the term of office of president and vice-president?
4. When does it begin?
5. What are the qualifications of president and vice-president?
6. Who acts as president in case of a vacancy in that office?
7. Recite the oath of office taken by the president.
8. What are the salaries of the president and of the vice-president?

CHAPTER XXIV

POWERS AND DUTIES OF THE PRESIDENT

44. In general.—In addition to the general executive power which is vested in the president, there are also certain other specified powers and duties which are imposed upon him by the constitution.

45. Commander-in-chief.—The president is the commander-in-chief of the army and navy, and of the militia of the several States when called into actual service of the United States. Thus the president is made the military as well as the civil head of the United States. The president never takes the field in actual service, his duties being of a wholly supervisory and directory character.

46. Executive departments.—The president may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective departments. This gives him an indirect supervision over all the administrative affairs of the government, and enables him to better perform the duty imposed upon him by the constitution to see that the laws are faithfully executed.

47. Reprieves and pardons.—The president is

empowered to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

A *reprieve* is the withdrawing of a sentence for an interval of time, which operates in delay of execution. It does not, however, like a pardon, exempt the person from final punishment.

A *pardon* is an act of grace, proceeding from the power entrusted with the execution of the laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime which he has committed. It often happens that circumstances come to light after a trial which, had they been known at the time, would have produced a different result, and without this power to pardon, justice might become oppression, and the government the wrong-doer.

The president has no power to grant reprieves or pardons for offences committed against State laws, that power being vested in the governor.

48. Treaties.—A treaty is a compact made between two or more independent nations with a view to the public welfare. Treaties, like the constitution and laws of the United States, are declared to be the supreme law of the land, which the judges of every State are bound to observe.

With the advice and consent of the senate, the president makes treaties. Before such treaties are

valid two-thirds of the senators present when such questions are under consideration must concur.

49. Appointments.—The appointing powers of the president are extensive and important, more so, perhaps, than they should be. He appoints with the advice and consent of the senate, judges of the supreme court, ambassadors, other public ministers, and consuls, as well as all other officers of the United States whose appointments are not otherwise provided for in the constitution. The authority to appoint various inferior officers may be vested in the president alone, that is, without the consent of the senate.

50. Vacancies.—The president is also given the power to fill all vacancies that may happen during any recess of the senate, by granting commissions to such appointees. The commissions expire at the end of the next session of the senate.

51. Message.—It is the duty of the president, from time to time, to give congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. This is called the president's message. It is given on the convening of congress in December of each year, and at such other times as the president may deem necessary.

52. Convening of congress.—We have learned that congress meets annually on the first Monday of December, but the president may, on extraoridin-

ary occasions, convene it in extra session. He may convene both houses of congress, or either of them.

In case of a disagreement between the two houses of congress as to the time of final adjournment, the president may adjourn them to such time as he thinks proper.

53. Reception of ambassadors and other public ministers.—It is the duty of the president to receive ambassadors and other public ministers from foreign countries. To receive an ambassador or other public minister is to recognize the country from which he comes as belonging to the commonwealth of nations. The president may refuse to receive a minister, or dismiss him after he has been received. As early as president Washington's administration, this right was exercised by requesting France to recall her minister.

54. Execution of the laws.—The president is specially charged to "take care that the laws be faithfully executed". This is a very general and important duty, involving as it does the essence of all good government, obedience to law. For this purpose, the president is clothed with great power, the army and navy being subject to his orders, and all executive officers being directly or indirectly filled by men of his selection.

55. Duties of the vice-president.—The principal duty of the vice-president is to act as presiding

officer of the senate. This office is considerably beneath that of the president in prestige and dignity.

REVIEW QUESTIONS

1. Who is commander-in-chief of the army and navy ?
2. Define reprieve ; pardon. By whom may each be granted ?
3. What is a treaty, and by whom made ?
4. What can you say of the president's appointing power ?
5. When is the president's message delivered to congress ?
6. What are the duties of president in receiving foreign ministers ?
7. Who is vested with the power to see that the laws are executed ?

CHAPTER XXV

DEPARTMENTS

56. In general.—The executive affairs of the nation are largely carried on through various departments. These are, the department of state, of the treasury, of the interior, of war, of the navy, of justice, and of agriculture, and the post-office department.

57. Department of state.—(*a*) *Secretary of State.*—The secretary of state is the chief officer or head of this department. His duties relate to both domestic and foreign affairs. In connection with the former, he preserves public documents and laws, has charge of the seal of the United States and affixes it to commissions issued by the president. He is the organ of communication between the president and the governors and other officers of States and Territories.

But the more important duties of this officer relate to foreign affairs. He has general charge of our foreign relations, and conducts correspondence with foreign ministers, and with our own ministers and consuls stationed in other countries. He preserves the originals of all treaties and correspond-

ence with foreign powers, issues passports to citizens wishing to visit foreign lands, and warrants for the extradition of criminals who have escaped into this country from some foreign government.

There are various assistants who aid him in the performance of his many duties.

The office of secretary of state is generally regarded as being next in importance to that of president.

(b) *Diplomatic service*.—A very important adjunct of the department of state, is the diplomatic service. Its officers are called ministers, and represent our government in foreign countries in a political capacity. They are of different grades. Ambassadors, envoys extraordinary, and ministers plenipotentiary are the highest classes of foreign ministers. Ministers resident are of an inferior rank, although their duties are practically the same as those of the former.

The general duties of our foreign ministers may be said to be, to negotiate treaties under the direction of the secretary of state, and maintain friendly relations between this country and the one to which they may be accredited.

(c) *Consular service*.—The consular service is a part of the state department. Consuls are commercial rather than diplomatic agents. Their principal duties are to watch over the interests of our commerce in the ports of the country in which they may be stationed, and to protect the rights of seamen.

58. Department of the treasury.—(a) *Secretary*

of the treasury.—This officer is the head of the treasury department. His general duties are to digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; to superintend the collection of the revenue; to issue warrants upon the treasury for money appropriated by law, and to perform such services in relation to the finances of the country as may be necessary. One of his most important duties is the management and control of the public debt.

(b) *Comptrollers.*—There are two comptrollers. They examine and adjust accounts settled by the different auditors, and countersign warrants drawn upon the treasurer by the heads of the different departments.

(c) *Auditors.*—There are various officers in the treasury department called auditors. Each one is charged with the adjustment and settlement of certain accounts.

(d) *Treasurer.*—This officer is the custodian of the funds of the United States. All warrants for money are drawn upon him.

(e) *Comptroller of customs.*—This officer has charge of the collection of duties levied on goods imported from foreign countries.

(f) *Register of the treasury.*—Has general charge of all accounts of receipts and expenditures, and of all debts due to or from the United States.

(g) *Comptroller of the currency.*—Has charge of the national banking system. Banks organized under United States laws are called national banks. This officer and his assistants examine into the condition of such banks, and close up their affairs when they become insolvent.

(h) *Commissioner of internal revenue.*—This officer supervises the collection of the internal revenue taxes.

(i) *Director of the mint.*—The director of the mint has charge of the coinage of money, and exercises general supervision over the different mints of the country.

(j) *Other officers.*—There are various other officers in this department, such as the chief of the bureau of engraving and printing, supervising architect, etc., the duties of all of whom relate in various ways to the administration of affairs connected with the treasury department.

59. Department of war.—(a) *Secretary of war.*—This officer, who is the head of the war department, has charge of the land forces, under the direction of the president. His duties become more important in time of war.

(b) *Other officers.*—The other officers of this department are: Adjutant general, who issues the military orders of the president; quartermaster general, who provides quarters and transportation for the army; commissary general, who provides

food for the soldiers; paymaster general, whose duties relate to the payment of the army-officers and soldiers: surgeon general, who has charge of the army hospital; inspector general, who inspects the arms and equipments of the troops; chief of engineers, who supervises the construction of forts, etc.; chief of ordinance, who supplies the army with guns and ammunition; and a judge-advocate general, who reviews all sentences passed by military courts and commissions.

60. Department of the navy.—(a) *Secretary of the navy.*—The secretary of the navy is the chief officer of the navy department. He has general charge of all matters in relation to the management of vessels of war and the naval forces, as well as all naval operations.

(b) *Bureaus.*—The navy department is divided into various bureaus, each of which are in charge of officers from the navy. There are bureaus of yards and docks, of equipment and recruiting, of navigation, of ordinance, of medicine and surgery, of provisions and clothing, of steam engineering, and of construction and repair.

61. Department of the interior.—(a) *Secretary of the interior.*—The secretary has general charge and supervision over the affairs relating to the interior department. These include pensions, patents, Indian affairs, public lands, education, geological surveys, public documents, and the census.

(b) *Commissioner of pensions*.—The duties of this officer relate to the examination of pension claims, and the granting of pensions.

(c) *Commissioner of patents*.—This officer conducts all matters relating to patents, the nature of which have already been considered.

(d) *Commissioner of Indian affairs*.—Exercises general control over the government of the Indians, such as making treaties with them, issuing rations and clothing for their support, etc.

(e) *Commissioner of the land office*.—This officer has general charge of the survey and sale of public lands.

(f) *Commissioner of education*.—He is charged with the duty of investigating into the condition and progress of the educational systems of the different States and territories.

(g) *Superintendent of the geological survey*.—As the name implies, the duties of this officer are connected with geological surveys, such as tracing the course of rivers, measuring the heights of lands, etc., etc.

(h) *Superintendent of public documents*.—He has charge of the distribution of public documents among the people.

(i) *Superintendent of the census*.—We have learned that a census of the United States is taken every ten years. A superintendent is temporarily ap-

pointed for this purpose, who has general supervision of the work.

62. Post-office department.—(a) *Postmaster general.*—The chief officer of the post-office department is the postmaster general. He has control of all questions relating to the management of post-offices and the carrying of mails.

(b) *Assistant postmaster generals.*—There are three assistant postmaster generals, the first having charge of the establishment and discontinuance of post-offices, and the appointment and removal of postmasters. The second supervises the letting of contracts for carrying the mails, and the third exercises general management over the finances of the department, and issues stamps, stamped envelopes, etc.

(c) *Superintendent of the money order system.*—This officer has charge of the issuance of money orders, prescribing the form of blanks to be used, etc.

(d) *Superintendent of foreign mails.*—We have treaties with all civilized countries by which mail may be transmitted to every part of the world by regularly established mail routes. This officer has charge of the foreign mail service.

63. Department of justice.—(a) *Attorney general.*—The attorney general is the chief law officer of the government, and is the head of this department. It is his duty to conduct suits in the supreme court in which the United States may be concerned. When requested, he gives legal opinions to the

president, and to the heads of departments, on any question concerning their duties. He has general supervision over the various district attorneys and marshals of the United States. His duties resemble those of the State attorney general.

(b) *Assistants.*—The attorney general has various assistants, such as a solicitor general, who is second in rank to the attorney general, four assistant attorneys generals, a solicitor of internal revenue, a naval solicitor, an examiner of claims, a solicitor of the treasury, and an assistant solicitor.

64. Department of agriculture.—(a) *Secretary of agriculture.*—He is the chief officer of the agricultural department. He and his assistants are engaged in conducting experiments along agricultural lines, and collecting and diffusing useful information on such subjects among the people. The weather signal service is also under the supervision of the agricultural department.

65. The cabinet.—The foregoing heads of departments are all members of the president's cabinet, and are appointed by him. Their term of office usually covers the same period as that of the president, but they are subject to removal by him at any time. The cabinet is the body of official advisers of the president. Cabinet meetings are held frequently, and official business discussed. The president is at liberty to disregard the advice of his cabinet, and act upon his own judgment. The salaries of

cabinet officers are \$8,000 per year. There is no such thing as a cabinet in State government.

REVIEW QUESTIONS

1. Name the different executive departments.
2. What are the duties of the secretary of State ?
3. What can you say of the diplomatic and consular service ?
4. Name the officers of the treasury department, and give the duties of each.
5. Give the same facts with regard to the war department.
6. What are the duties of the secretary of the navy ?
7. Give the different officers of the interior department, and the duties of each.
8. Describe the post-office department.
9. The departments of justice and agriculture.
10. What is a cabinet ? Name its several members.

Section IV

JUDICIAL DEPARTMENT

CHAPTER XXVI

JUDICIAL POWER

66. In general.—The judicial power of the United States, like the legislative power, extends only to certain specified subjects. These may be grouped under three general heads :

(1) Cases arising under the constitution, laws, and treaties of the United States ;

(2) Cases affecting our foreign relations ;

(3) Cases where the United States, and the different States, or the citizens thereof, may be a party.

67. Cases arising under the constitution, laws, etc., of the United States.—The judicial power extends to all cases in law and equity arising under the constitution, the laws of the United States, and treaties made under their authority.

It is hardly necessary to say that it would be eminently improper to vest such power in the State courts. The interpretation of federal laws, and the punishment for their violation, should be left to federal courts.

68. Cases affecting our foreign relations.—(a) *Ambassadors, ministers, etc.*—The judicial power ex-

tends to all cases affecting ambassadors, other public ministers, and consuls. The officers referred to are those representing some foreign nation in this country. This nation is bound to protect them according to the laws of nations, and all matters affecting their interests are therefore very properly left to the judicial authority of the general government.

(b) *Admiralty and maritime cases.*—The judicial power of the United States extends to all cases of admiralty and maritime jurisdiction. Cases of admiralty and maritime jurisdiction are those arising upon the seas; and as the rights and privileges of persons navigating the seas are regulated by the laws of nations and treaties, they are properly referred to the national courts.

69.—Cases where the United States, and the different States, or citizens thereof, may be a party.—

(a) *United States.*—In all controversies to which the United States is a party, the courts thereof have sole jurisdiction.

The United States is a nation, of which every citizen is a part, and controversies which affect the people of all the States should not be left to the courts of any one State to decide.

(b) *Cases between States.*—The power extends to all controversies between two or more States.

It is an elementary principle of justice that a litigant should not be allowed to act as judge in his own case. The differences of States should be peacefully adjusted by a common judicial authority.

(c) *Cases between States and citizens of other States.*—It sometimes becomes necessary for a State to prosecute some demand against the citizens of another State, and the courts of the latter might be open to the suspicion of partiality. Therefore all controversies between one State and the citizens of another State, are left with the federal judiciary.

While one State may sue the citizens of another State, the citizens of one State or of a foreign State cannot sue another State.

(d) *Cases between citizens of different States.*—The judicial power of the United States extends to controversies between citizens of different States. As in the case of disputes between one State and the citizens of another, differences between citizens of different States should be settled by a tribunal where there can be no cause for believing partiality to exist.

(e) *Cases between citizens of the same State.*—Only in one instance, aside from where federal laws are involved, are the differences of the people of the same State to be settled by federal judicial authority, and that is where they claim lands under grants of different States. Instances of this kind are necessarily rare, but as the rights of different States to grant the lands are drawn in question, none of them should decide the controversy.

(f) *States and foreign states.*—The federal judicial authority extends also to all controversies between a

State, or the citizens thereof, and foreign states, citizens or subjects. This is for the reason that as every nation is responsible to every other nation for the conduct of its citizens, any question touching upon the justice due to a foreign state, or its citizens or subjects, should be passed upon by national, not by State authority.

REVIEW QUESTIONS

1. To what three general classes of cases does the judicial power of the United States extend ?
2. State the reasons for extending it to the first class.
3. Give the subdivisions of the second class, and the reasons for each.
4. Give the subdivisions of the third class and the reasons for each.

CHAPTER XXVII

COURTS AND JUDGES

70. In general.—We have been speaking of the judicial power of the United States, and the various subjects to which it extends. We now come to the consideration of the authority through which such judicial power is exercised.

The constitution declares that the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as congress may from time to time ordain and establish. In pursuance of the authority given it, congress has established numerous courts inferior to the supreme court, and has given to each, including the supreme court, some portion of the judicial powers granted to the United States.

71. District courts.—(*a*) *In general.*—The United States at the present time is divided into 68 judicial districts.

Michigan has two, the eastern and western districts. Sometimes these districts are divided into divisions. The western district of Michigan is divided into northern and southern divisions. A district court is held in every district. The district court for the eastern district of Michigan is held in Detroit, and

for the western district, at Grand Rapids and Marquette. Each district court is presided over by a district judge.

(b) *Jurisdiction*.—The civil jurisdiction of the district courts extends over a great many subjects, such as penalties and forfeitures, internal revenue taxes, postal laws, admiralty and maritime cases, quo warranto proceedings, treaties, suits against consuls, bankruptcy, etc., etc. They also have jurisdiction over the minor criminal offences against United States laws.

72. *Circuit courts*.—(a) *In general*.—The circuit court is the next highest grade of United States courts. The United States is divided into 9 circuits, in each of which there is a circuit court.

Michigan, Ohio, Kentucky and Tennessee form the 6th circuit. The nine justices of the supreme court are allotted among these different circuits, and together with the circuit judge appointed for each circuit, constitute the circuit court. The district judges in each circuit are also competent to sit as judge of the circuit court.

(b) *Jurisdiction*.—The jurisdiction of the circuit courts in certain civil cases depends upon the amount involved as well as the subject matter of the suit.

Thus, in all civil suits arising under the constitution, laws and treaties of the United States, when the United States is a party, and in any controversy between citizens of different States or of foreign states, the amount involved in the case must exceed \$2,000.

But there are other cases in which the circuit courts have jurisdiction irrespective of the value of the matter in dispute, such as those commenced

by the United States against national banks, or by private parties when it is claimed some right or privilege granted by the United States constitution is infringed by a State law. They also have jurisdiction of the higher criminal offences against the laws of the United States.

73. Circuit courts of appeals.—(a) *In general.*—

In each of the nine circuits there is a circuit court of appeals.

The circuit court of appeals for the 6th circuit is held at Cincinnati, Ohio. This court is composed of three judges. In addition to the regular circuit judge appointed in the circuit, there is another circuit judge appointed for the purpose of acting as a member of this court. These two circuit judges, and the supreme court judge allotted to the circuit, and also the several district judges of the circuit, are competent to sit as members of this court.

(b) *Jurisdiction.*—The jurisdiction of the district and circuit courts is wholly original, but that of the circuit courts of appeals is wholly appellate. They review all cases originally commenced in the district and circuit courts, except those reviewable solely by the supreme court. Their decision is final in all cases where the jurisdiction depends on the parties to the suit being aliens or citizens of the United States, or of the different States; also in all cases arising under the patent laws, the revenue laws, the criminal laws, and in admiralty cases. Other cases may be appealed from this court to the supreme court.

74. Supreme court.—(a) *In general.*—The supreme court of the United States is the highest court in the land. It is composed of a chief justice and 8 associate justices, any six of whom constitute a quorum. Its sessions are held at Washington, the seat of government.

(b) *Jurisdiction.*—The supreme court has both original and appellate jurisdiction. It has original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a State is a party.

It has appellate jurisdiction in the following cases :

- Where the jurisdiction of the lower court is in issue ;
- From the final sentences and decrees in prize causes ;
- From convictions of capital or otherwise infamous crimes ;
- When the construction of the constitution, or the validity of any law of the United States is drawn in question ; and
- When it is claimed a State law contravenes the provisions of the United States constitution.

It also has jurisdiction to review by appeal or writ of error any case not subject to final decision by the circuit courts of appeals, when the amount involved exceeds one thousand dollars.

The supreme court also has appellate jurisdiction from the supreme courts of the different States, the District of Columbia, and of the Territories, and from the court of claims.

75. Court of claims.—(a) *In general.*—The foregoing courts constitute the regular judiciary system

of the United States, but various other courts have been established, and among them is the court of claims. Practically, it is to the United States what the board of State auditors is to the State of Michigan. It is composed of a chief justice and 4 associate justices, any three of whom constitute a quorum. Their sessions are held at Washington.

(b) *Jurisdiction*.—As the title of the court indicates, it is established for the purpose of hearing and determining claims against the United States. While the United States cannot be sued by any of its citizens without its consent, it has established this court where parties having claims against the government may, in form at least, bring suit for the recovery thereof. If the court adjudges it a valid claim, it is usually, but not necessarily, paid by congress.

76. Other courts.—There is a supreme court of the District of Columbia consisting of a chief justice and five associate justices. It has jurisdiction of crimes and offences committed within the district, of civil actions wherein the United States is a plaintiff, and of various other cases arising within the district.

There are courts in each of the Territories, consisting of a chief justice and 2 associate justices. They have jurisdiction of cases arising under the laws of congress and the laws of the Territorial legislature.

77. Judges.—(a) *Appointment and term of office.*—

The judges of the different courts of the United States are all appointed by the president with the advice and consent of the senate. All of them hold office during good behavior, except the judges of the territorial courts, who are appointed for 4 years. A judge of a United States court who has attained the age of 70 years, and been 10 years a member of any such court, may resign his office and receive the same salary during life that was paid to him while judge.

(b) *Salaries.*—The salaries of the different United States judges are as follows :

Chief justice of the supreme court.....	\$10,500
Associate justices of the supreme court.....	10,000
Judges of the circuit courts of appeals.....	6,000
Judges of the circuit courts.....	6,000
Judges of the district courts.....	\$3,500 to 5,000
Judges of the court of claims.....	4,500
Chief justice of the supreme court (District of Columbia).	5,000
Associate justices of the supreme court (District of Columbia).....	4,500
Judges of the territorial courts.....	3,000

The compensation of judges of the United States courts may not be diminished during their continuance in office.

78. Officers of courts.—The officers of the supreme court are a clerk, a marshal, and a reporter. Each of the circuit and district courts has a clerk and a marshal. District attorneys are appointed in each judicial district, and are officers of the district and

circuit courts. They act for the United States in much the same manner as the prosecuting attorneys of the several counties act for the State. The other courts also have clerks, marshals, etc.

REVIEW QUESTIONS

1. In what courts is the judicial power vested ?
2. How many district courts are there, how are they composed, and what is their jurisdiction ?
3. How many circuit courts are there, how are they composed, and what is their jurisdiction ?
4. How many circuit courts of appeals are there, how are they composed, and what is their jurisdiction ?
5. How many justices of the supreme court are there ?
6. What is the jurisdiction of the supreme court, both appellate and original ?
7. Describe the general character of the court of claims, and its jurisdiction.
8. Describe the courts of the District of Columbia and of the Territories, and the jurisdiction of each ?
9. By whom are United States judges appointed, and what is their term of office ?
10. Give the salaries of each.

Section V

MISCELLANEOUS SUBJECTS

CHAPTER XXVIII

PROHIBITIONS ON THE UNITED STATES

79. In general.—It would seem unnecessary for a government like the United States to be prohibited from exercising powers which were not delegated to it, but it only emphasizes the fact that many of our forefathers were fearful that a strong centralized government would be in some measure inimical to the interests of the States and of the individual.

80. Habeas corpus.—The privilege of the writ of *habeas corpus* cannot be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

The writ of *habeas corpus* is an ancient one, and important to the perfect liberty of the citizen. Its true use is to cause a legal inquiry into the cause of imprisonment, and to procure the release of the prisoner when that is found to be illegal.

81. Bills of attainder and ex-post facto laws.—No bill of attainder or *ex-post facto* law can be passed by congress. .

A bill of attainder is a legislative act inflicting death or other punishment without a judicial trial. An *ex-post facto* law is a

law which makes an act criminal which was not so when committed.

82. Direct taxes.—No capitation or other direct tax can be laid by congress, unless it is in proportion to the census or enumeration of each State.

A capitation tax is a poll tax: that is, a tax levied on each person and not according to property. A capitation tax has never been laid by the United States, but the State of Michigan levies such a tax each year.

83. Taxation of exports.—No tax or duty can be laid on articles exported from any State.

This leaves the people of every State free to send as much of their products abroad and to another State as they can find markets for.

84. Commerce between States.—No preference can be given by any regulation of commerce or revenue to the ports of one State over those of another, nor are vessels bound to or from one State obliged to enter, clear, or pay duties in another.

This is an indirect limitation on the power of congress to regulate commerce, and ensures the perfect equality of the States in this respect. To "enter" a port is to report the ship with the cargo to the proper officer and obtain permission to land. To "clear" is to obtain the necessary papers authorizing the ship to sail.

85. Public moneys.—No money can be drawn from the treasury of the United States except through appropriations made by law, and a regular statement of account of receipts and expenditures of all public money is required to be published from time to time.

86. Titles of nobility.—Titles of nobility cannot be granted by the United States, and persons holding any office of profit or trust under them may not, without the consent of congress, accept of any present, emolument, office or title, of any kind whatever, from any prince or foreign state.

Titles of nobility are obnoxious to all the principles of a democratic government.

87. Pensions and the public debt.—The validity of the public debt, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, cannot be questioned.

This has particular reference to the public debt incurred during the civil war, but as the language is general, it is applicable to other cases as well.

The United States is also prohibited from assuming to pay any debt or obligation incurred in aid of insurrection or rebellion against it, or any claim for the loss or emancipation of any slave, but all such claims are expressly declared to be illegal and void.

This is also an outgrowth of the civil war, but is equally applicable to other cases coming within its provisions.

88. Right of suffrage.—By the 14th amendment to the constitution, citizenship was conferred upon the colored race by declaring that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, should be citizens. This was followed up by another amendment, prohibiting

the United States from denying or abridging the right of any citizen thereof to vote on account of race, color, or previous condition of servitude.

This does not *confer* the right to vote, but simply declares that the political rights of the colored man shall be equal in all respects to that of his white brother. In other words, assuming that the right to vote might be abridged or denied for other reasons, it must not be done on account of race, color or previous condition of servitude.

REVIEW QUESTIONS

1. When may the privilege of the writ of *habeas corpus* be suspended ?
2. What are bills of attainder and *ex-post facto* laws ?
3. How must direct taxes be laid ?
4. What is a capitation tax ?
5. May exports be taxed ?
6. What can you say in respect to the equality of States as relates to commerce ?
7. What is necessary before public money can be drawn from the treasury ?
8. Are titles of nobility grantable by the United States ?
9. Can the public debt be questioned ?
10. What can you say of the debts of the rebellion ?
11. What can you say of the right of the colored citizen to vote ?

CHAPTER XXIX

PROHIBITIONS ON THE STATES

89. In general.—In the preceding chapter we have said something of the prohibitions upon the United States: that is, the United States as a political entity, as a whole. We now come to the consideration of some of the prohibitions upon the individual States. These prohibitions are found in the national constitution, and apply equally to all the States.

We have already learned that the people of the State of Michigan in their constitution have prohibited the State legislature from exercising certain powers, which prohibitions may be withdrawn at any time by the same authority that inaugurated them; but not so with the prohibitions of which we now speak. These are laid upon the State itself: that is, upon the people of the State, by a sovereignty of which the people of one State are only a part; and therefore they cannot be withdrawn by any one State alone.

90. Treaties.—No State can enter into any treaty, alliance or confederation with a foreign power.

To allow it to do so would destroy the harmony of the republic, and divide our nation into as many treaty-making powers as there were individual States. Such a course would breed nothing but disruption and disunion.

91. Marque and reprisal.—The States are pro-

(191)

hibited from granting letters of marque and reprisal.

The purpose of this is apparent. Were the States allowed to grant such letters, one State might involve all the rest in war.

92. Money.—States are prohibited from coining money, emitting bills of credit, or making anything but gold and silver coin a tender in payment of debts.

A *bill of credit* is an obligation of the State issued for the purpose of circulating as money. A State may borrow money and issue bonds therefor, as such bonds are not bills of credit. While the United States government is not expressly authorized to issue bills of credit, yet the power has been exercised by the issuance of treasury notes, etc.

The inhibition against the States making anything but gold and silver coin a tender in payment of debts really follows as a consequence of the plenary powers given congress over the subject of money. As legal tender means that by which a debt may be lawfully paid, the State might possibly, except for this provision, authorize debts to be paid in something that was not the recognized money of the country, and thereby virtually annul the power of congress over the subject.

93. Bills of attainder and ex-post facto laws.—The individual States, as well as the United States, are prohibited from passing any bill of attainder or *ex-post facto* law.

94. Contracts.—The States are prohibited from passing any law impairing the obligations of contracts.

A contract is defined as an agreement between two or more parties to do or not to do a particular thing. Of course there are elements which enter into the sufficiency of any contract, such as competency of parties, consideration, etc., but these are not essential to its definition.

The importance of this provision cannot be overestimated. Contracts enter into all the business affairs of our daily life ; and were their obligations liable to impairment by subsequent legislation in the States, uncertainty and depression in the commercial world would follow. But this is a prohibition which extends only to the States, and not to the United States

95. Titles of nobility.—The same reasons that prompted the framers of the constitution to deny to the United States the right to grant titles of nobility, led them to declare that the several States should not grant any such titles.

96. Imposts and duties.—No State may without the consent of congress, lay any duties or imposts on exports or imports, except what may be absolutely necessary for executing the inspection laws. The net proceeds of all such duties and imposts as are laid by any State on imports or exports are declared to be for the use of the treasury of the United States.

Inspection laws are passed in different States for the purpose of preventing inferior or unwholesome goods from being shipped over their borders, and it is the actual cost of this that is provided for. Any excess must be turned into the United States treasury. All such laws are subject to revision and control of congress.

97. Tonnage duties.—No State may, without the consent of congress, lay any duty of tonnage.

Tonnage duties are duties on ships. A ship that can carry a hundred tons of freight is said to be of 100 tons burden, and a tonnage duty would be a duty laid on the ship according to its capacity to carry freight.

98. War.—The States are prohibited from keeping troops or ships of war, in time of peace, or en-

gaging in war unless actually invaded, or in such imminent danger as will not admit of delay.

The whole subject of war is very properly left to the general government, and only under certain exigencies are the States allowed to engage in it.

99. Agreements or compacts.—The States are prohibited from entering into any compact or agreement among themselves or with a foreign power.

The same reason exists for this prohibition as in the case of treaties, already considered.

100. Rights of citizens.—The States are prohibited from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States; nor can any State deprive any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws.

These provisions were embodied in an amendment to the constitution as a result of the abolishment of slavery, but as their terms are general, they apply to every person. By the term "due process of law" is meant its regular course of administration through courts of justice, or other proper authority.

101. Debts of the rebellion.—At the close of the civil war, the southern States that had participated in the rebellion rested under a heavy debt. An amendment to the constitution was adopted prohibiting the United States or any State from assuming or paying any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, all such debts being declared illegal.

102. Rights of suffrage.—The several States as well as the United States are prohibited from denying or abridging the right of any citizen to vote, on account of race, color, or previous condition of servitude. This provision has already been considered.

It is also declared that when the right to vote at any election for the choice of electors of president and vice-president of the United States, representatives in congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except in participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

While this is not strictly a prohibition upon the States, it amounts to as much ; for every State is anxious to have its full representation in congress, and it cannot have this if it violates the provisions of this section of the constitution.

REVIEW QUESTIONS

1. Are the States allowed to make treaties, or enter into compacts or agreements with foreign powers ?
2. Can a State grant letters of marque and reprisal ?
3. What are the prohibited powers of the States in relation to money ?
4. What is a bill of credit ?
5. Can the United States issue bills of credit ?
6. Can a State grant titles of nobility ?
7. What are their powers in relation to levying imposts and duties on imports or exports ?
8. What are tonnage duties ?
9. When may a State engage in war ?
10. What are the duties of the State towards its citizens ?
11. What is due process of law ?
12. Can a State assume to pay the debts of the rebellion ?
13. What are the prohibitions upon the State in relation to suffrage ?

CHAPTER XXX

STATES AND TERRITORIES

103. Admission of new States.—The usual mode of admitting new States is as follows: When a Territory gains sufficient population to entitle it to admission, it sends a petition to congress asking for admission. Congress then passes what is called an “enabling act”, authorizing the inhabitants to form a constitution. A convention of delegates is then held in the Territory, and the constitution as framed by them is submitted to the people for adoption. If adopted, it is then presented to congress, and if congress approves of it, an act is passed admitting the new State into the Union.

A new State cannot be formed or erected within the jurisdiction of another State, nor can any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as congress. The big State of Texas cannot be divided into smaller States without the consent both of its legislature and of congress.

104. Rights of States.—The United States guarantees to every State in the Union a republican form of government.

This really amounts to saying that no State shall have any other form. The right and the duty thus become co-extensive, one with the other.

It is also made the duty of the United States to protect each State against invasion, and on application of the legislature, or of the executive when the legislature cannot be convened, from domestic violence.

The government of the United States was created, among other things, "to provide for the common defence" and to "promote the general welfare". To allow one of its integral parts, a State, to be invaded and its government overturned, would certainly be at variance with its general purpose. This would not only have been the right of any State, but equally the duty of the general government, had not this particular clause been inserted in the constitution.

Each State is left to suppress any domestic violence that may occur within its borders without interference by United States authorities, but instances might arise where the State alone would not be able to cope with the difficulty, and assistance from the general government would be needed.

105. Duties of States.—(a) *Public records.*—Each State is required to give full faith and credit to the public acts, records, and judicial proceedings of every other State.

The manner in which such acts, records, and proceedings may be proved, and the effect thereof, is regulated by congress.

(b) *Equality of citizens.*—The citizens of each State are entitled to all the privileges and immunities of citizens in the several States.

This is designed to prevent one State from discriminating, either in the way of taxation or otherwise, between its own citizens and the citizens of other States.

(c) *Surrender of criminals.*—When a person is charged in one State with treason, felony, or other

crime, and flees from justice, and is found in another State, it is the duty of the State in which he is found, on demand of the executive authority of the State from which he fled, to deliver him up, to be removed to the State having jurisdiction of the crime.

This is called *extradition*. As a State has no authority outside of its territorial limits, and cannot punish crimes not committed within its borders, the path of the criminal would have been made easy had not the government, whose authority is co-extensive with that of all the States, made some provision for their capture and surrender in the different States. Extradition between nations is regulated by treaties.

106. Territories.—A territory is that portion of this country which belongs and is subject to the government of the United States, and is not within the boundaries of any State.

The number of Territories is constantly decreasing by the admission of new States, and it is a question only of a short time when Territories in the United States will be a thing of the past.

To Congress is given the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. Its power over such territory is exclusive and universal, and its legislation is subject to no control. Territorial governments are usually erected in each Territory, with legislative, executive, and judicial powers, subject of course to the general supervision and direction of congress.

107. District of Columbia.—Congress exercises exclusive legislation in all cases whatsoever over

the District of Columbia, where the national capitol is situated, and over all places purchased for the erection of forts, magazines, dock yards, arsenals, and other needful buildings.

REVIEW QUESTIONS

1. What is the manner of admitting new States ?
2. What are the duties of the national government towards the different States ?
3. What are the duties of States towards each other ?
4. What is a Territory, and by what authority governed ?
5. By what authority is the District of Columbia governed ?

CHAPTER XXXI

IMPEACHMENTS ; PUBLIC OFFICERS ; TREASON

108. Impeachments.—(a) *Officers subject to.*—The constitution provides that the president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

The term “civil officers” is probably used here in distinction from military and naval officers. A good many public officers, both executive and judicial, have been impeached, but in the majority of cases they have been acquitted. President Andrew Johnson was impeached by the house in 1868, and it lacked only one vote in the senate to convict him.

(b) *Impeachment powers.*—We have already learned that the house of representatives has the sole power of impeachment, that is, preferring articles of impeachment, and the senate has the sole power to try all such impeachments.

(c) *Impeachment procedure.*—A committee is appointed by the house to inquire into the alleged unlawful conduct of the officer sought to be impeached, and if it reports in favor of impeachment, and the report is adopted by the house, articles of impeachment are prepared. A committee

is then appointed from the house to conduct the case in the senate.

In the trial of the impeachment charges, the senators are each under oath or affirmation. When the president of the United States is tried, the chief justice presides. This is for the reason that the vice-president would be interested in the result of the trial, as he would succeed to the office of president if the latter were found guilty. No person can be convicted without the concurrence of two-thirds of the senators present.

(d) *Judgment of impeachment.*—Judgment in cases of impeachment cannot extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States ; but the party convicted is nevertheless liable to indictment, trial, and punishment according to law.

That is, the person impeached cannot be imprisoned or fined by the senate, but if he is impeached because of some criminal offence, he is liable to prosecution and conviction in the courts without regard to the impeachment proceedings.

109. Public officers.—(a) *Oath of office.*—The senators and representatives of the United States, the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, are required to take an oath or affirmation to support the constitution of the United States ; but no religious test can ever be required as a qualification to any office or public trust under the United States.

It will be remembered that a similar provision exists in the State constitution in relation to religious tests. See page 101.

(b) *Participation in rebellion.*—At the close of the civil war an amendment to the constitution was adopted which provides as follows :

No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

To Congress is given power, however, by a two-thirds vote of each house, to remove such disability and this has been done with few exceptions.

110. Treason.—(a) *Defined.*—Treason against the United States consists only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

War must be actually levied : that is, there must be a body of men assembled for the purpose of affecting a treasonable purpose. A mere conspiracy to subvert the government by force, without any actual attempt, is not treason. What constitutes aid and comfort largely depends on the circumstances of each case. To sell the enemy munitions of war, or supply them with food and clothing, or aid them in flight, would be clearly giving them aid and comfort.

(b) *Proof.*—The constitution provides that no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

As treason consists in the actual levying of war, this require-

ment as to proof is not so stringent as it would first seem to be. Every other crime may be and usually is, committed in secrecy, and hence witnesses to the overt act are not necessary to a conviction, but in the case of treason, where the act itself must be overt, that is open, witnesses to the act are always obtainable.

(c) *Punishment.*—Congress has power to declare the punishment of treason ; but the constitution provides that no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Corruption of blood means cutting off inheritable qualities. Thus—a man convicted of treason may himself be cut off from all right to inherit property from his ancestors, and also have his property forfeited to the government. But this corruption of blood cannot extend to his children : that is, they possess the same right to inherit property that they would have, had not their father been attainted. Property may descend from an attainted person's ancestor through him to his children in all respects the same as though he had not been attainted.

REVIEW QUESTIONS

1. What officers are subject to impeachment ?
2. Where are impeachment powers vested ?
3. Describe impeachment procedure.
4. What is the extent of the judgment in case of impeachment ?
5. What officers are required to take an oath to support the constitution of the United States ?
6. Can a religious test be required ?
7. Does participation in rebellion disqualify officers from holding office under the United States ?
8. Define treason.
9. What proof is required in cases of treason ?
10. What are the limitations upon the power of congress to punish treason ?

CHAPTER XXXII

BILLS OF RIGHTS

111. General nature.—A bill of rights, as the term is used here, is a declaration by the people, in their constitution, of certain rights and principles which are to act both as a guide and as a limitation upon the powers of the governing authorities established by the same instrument.

A bill of rights is to be found in the constitutions both of the United States and of the State of Michigan.

112. Right to life, liberty and property.—The right to live, to move freely from place to place, and to accumulate and enjoy property, are the three great natural rights of mankind ; and no person can rightfully be deprived of them except in certain cases, as where one commits a crime, or by reason of insanity becomes dangerous to society.

While an individual may thus be deprived of these natural rights, the constitution declares that it shall not be done except "by due process of law". By due process of law is meant the law of the land, and in defining the latter term, Daniel Webster said: "By the law of the land is most clearly intended the general law ; a law which hears before it condemns ; which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society."

Thus the citizen cannot be deprived of these precious rights arbitrarily and without cause, and is always entitled to have the question determined according to the general rules and laws which would determine the same question for every other citizen.

113. Writ of habeas corpus.—This writ has already been mentioned*, but its importance will warrant further consideration.

We have already spoken of the right to personal liberty, and the manner and instances of its surrender. While a person cannot lawfully be deprived of his liberty except by due process of law, the fact nevertheless remains that cases have always arisen, and still arise, where the citizen is illegally restrained of his liberty. It is for the speedy and effectual removal of such illegal restraints that the writ of *habeas corpus* is designed.

This writ may be defined as a writ issuing out of a court, directed to any person or officer who detains another, commanding him to produce the body of the person so detained, at a certain time or place, and show cause (which means a just and legal cause) for the restraint or imprisonment of such person. In default of such showing the prisoner must be discharged.

The importance of the provision in the constitution that the privilege of this writ shall not be suspended except when, in cases of rebellion or invasion, the public safety may require it, becomes apparent. Arbitrarily to suspend the privilege of this writ except in the extreme cases mentioned in the constitution,

* See page 44.

would indeed be dangerous to the liberty of the citizen; yet as the public safety is always paramount to that of individual rights, the right to suspend it in the cases mentioned is justified.

114. Right to bail.—It is the theory of the law that every one is presumed to be innocent until proven guilty of the charge that may be brought against him, and hence the right of every person arrested upon a criminal charge to give bail, is recognized and secured by constitutional provision.

No one should suffer imprisonment until convicted of an offence which requires it; while on the other hand the government is entitled to some assurance that the person charged with an offence will not run away pending the hearing of the case. Therefore, the prisoner gives *bail*, which is simply a written obligation, by which he himself and other persons become bound for his appearance at court for trial, in default of which they agree to pay a certain sum of money; whereupon he is entitled to his liberty.

The constitution of Michigan declares that all persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great. Thus the right to bail is guaranteed in all cases except murder and treason, and even in those cases, except when the proof is evident or the presumption great. The constitution of Michigan, and of the United States as well, both provide against excessive bail. To impose excessive bail is a virtual denial of the right to give bail. What is excessive bail is necessarily determined by the circumstances of each case.

115. Fines and penalties.—Both our State and our national constitutions declare that excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

A fine should have some reference to the ability of the party to pay it. What would be a cruel or unusual punishment in all

cases is not entirely clear, but it may be said that any punishment which public opinion would condemn for its cruelty would come within the term "cruel punishment", while an unusual punishment would be that which public sentiment had banished from the category of penalties, such as the pillory and the whipping-post.

116. Rights of accused persons.—When a person stands charged with any crime, the constitution throws around him certain safeguards, designed to protect him against an unjust trial and conviction.

Unfortunately these sometimes afford an avenue of escape for guilty parties, but the cases are exceptional. Even if such be true, the reader will not question their wisdom, for it were better that ten guilty men escape than that one innocent of crime suffer punishment and disgrace at the hands of justice. If we err, let us err on the side of mercy.

In the first place, it is the right of every person charged with crime to be informed of the nature of the accusation against him.

If he is accused of crime, he has a right to know the nature and circumstances of the alleged offence, that he may prepare to defend himself. Otherwise, innocent persons at least would be largely at the mercy of the prosecuting officers.

In the next place, after a person is charged with an offence, he is entitled to a speedy and public trial by an impartial jury, for if he is innocent he is entitled to an immediate vindication.

Upon the trial of the cause, the accused is entitled to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

But he is not compelled to be a witness against himself. In former times, persons charged with crime were compelled to be witnesses against themselves, and even torture was used to wring from them a confession of guilt.

If a person is acquitted upon the merits he cannot be tried again for the same offence. The language of the national constitution expresses the right thus: "Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb."

But if a jury disagrees and no verdict is reached, a person may be tried a second or third time, or until some verdict is reached. In such a case there is no acquittal upon the merits.

117. Religious freedom.—Perfect freedom of religious worship has not been secured to us without a terrible struggle. The history of the world may be said to be a history of religious persecution. Many lives have been sacrificed upon the altar of religious fanaticism and intolerance, undoubtedly in the belief that the cause of "true religion" was being thereby advanced. The impropriety and danger of allowing the government to interfere with the religious beliefs of its citizens seem too apparent to need comment; but recollections of religious oppression were fresh in the minds of our ancestors when they sought to establish for themselves a government where every liberty consistent with good government was to be secured to the citizen. They were therefore determined to place forever outside

the pale of governmental interference, the right to worship God according to the dictates of their own conscience.

We therefore find in the first amendment to the constitution of the United States, this clause :

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

In the Michigan State constitution we find the following :

The legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

Also the following :

No money shall be drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purpose.

Also the following :

The legislature shall not diminish or enlarge the civil or political rights, privileges, and capacities of any person on account of his opinion or belief concerning matters of religion.

Also the following :

No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

118. Liberty of speech and press.—The congress of the United States, and the legislature of Michigan are prohibited from passing any law to restrain or abridge the liberty of the press. Every person has

the right freely to speak, write, and publish his sentiments on all subjects, being responsible for the abuse of such right.

Perfect liberty of the press as now understood is of quite recent origin. No longer ago than in colonial times the right to publish one's own opinions on different subjects was very much restricted.

A learned author has said that liberty of the press consists in this: that neither courts of justice, nor any other judges whatever, are authorized to take notice of writings *intended* for the press, but are confined to those which are actually printed¹. The supervision and correction by government authorities of articles, which are intended for publication, is called *censorship of the press*. The Spanish authorities in the island of Cuba have during the present rebellion exercised a censorship over the press, dictating the character of all messages sent out from the island.

119. Unreasonable searches and seizures.—The person and possessions of every individual should at all times be secure from unreasonable search and seizure.

No worse indignity can be heaped on the citizen than to wilfully disregard the sacredness of his person and the security of his home. Hence, we find in both national and State constitutions declarations that the right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated.

But the prohibition is only against unreasonable searches and seizures. If, from facts which are within my knowledge, I have reasonable cause to believe that property which has lately been stolen from me is secreted in my neighbor's house, and I am willing to make oath to such facts, a search-warrant, directed to some officer, particularly describing the articles of property and the place where they are believed to be concealed, may be

¹ De Lolme.

issued by the judge of some court, for the recovery of such stolen property. This would not be an unreasonable search and seizure. The preservation of the right was not designed to secure immunity from the process of the law where a crime had been committed. Like the right to life and liberty, it may be forfeited, but the forfeiture can only be incurred in certain cases.

120. Slavery.—Slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, is forever prohibited within the United States, or any place subject to their jurisdiction.

121. Right to bear arms.—The right of the people to bear arms in defence of themselves and of their country, cannot be infringed, but the carrying of weapons concealed, instead of openly upon the person, may undoubtedly be regulated and even prohibited.

122. Quartering of soldiers.—The quartering of soldiers in time of peace in any house without the consent of the owner, or in time of war except in a manner to be prescribed by law, is prohibited.

This may seem to the reader at this time to be an unnecessary protection, and it is to be hoped that it is; but when we reflect that possibly such a terrible engine of oppression *might* be instituted among us were it not for this constitutional provision, it may well be looked upon as a safeguard of possible if not of probable utility.

123. Right of petition.—The right of the people peaceably to assemble and petition the government for a redress of grievances, or to instruct their rep-

representatives, is guaranteed by both State and national constitutions.

The right of petition is quite freely exercised by the people, it being an easy and expeditious manner of getting before their representatives their wishes and ideas in respect to some particular matter. But assemblages of the people for such purpose are not frequent, the petitions being usually circulated among them at their homes.

124. Right of trial by jury.—The right of trial by an impartial jury in all criminal cases is guaranteed.

A jury has usually consisted of 12 men, but the constitution of Michigan provides that it may consist of less than that number in all courts not of record. Thus, a jury in a justice court consists of only 6, but a jury in the circuit court in criminal cases must always consist of 12 men.

The jurors must be impartial between the people and the defendant. When the liberty of the citizen is involved, he is entitled to have the question of his guilt or innocence determined by men who are not prejudiced against him at the outset, and the people are likewise entitled to have a jury that is not biased in favor of the defendant. Prejudice and partiality have no place in a court of justice.

While the right of trial by jury extends to civil as well as criminal cases, it is deemed to be waived in all civil cases, unless demanded by one of the parties. The courts of Michigan have decided that a defendant in a criminal case cannot waive his right to trial by jury.

125. Compensation for taking private property.—The right of every person to accumulate property is recognized, but it often becomes necessary to take such property for some public purpose. Public streets, sites for public buildings, etc., are

frequently public necessities, and the rights of the individual in his property must give way whenever these exigencies arise. But while the government thus has the right to take the private property of one of its citizens for public purposes, it is the right of the citizen to be compensated for the loss. The amount of the compensation is determined by a jury of freeholders, that is, property owners.

126. Equality of citizens.—The citizens of each State are entitled to all the privileges and immunities of citizens of the several States, and every person within the jurisdiction of any State is entitled to the equal protection of the laws. These are provisions in the national constitution, and have already been considered.

127. Imprisonment for debt, etc.—No person may be imprisoned for any debt arising out of a contract, except in cases of fraud, or breach of trust, or embezzlement of moneys collected by public officers, or in any professional employment. Neither may any person be imprisoned for a militia fine in time of peace.

128. Rights of aliens.—The constitution of Michigan provides that aliens who become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

129. Other rights.—The constitution of the

United States declares that the enumeration in it of certain rights shall not be construed to deny or disparage others retained by the people.

130. Subordination of military power.—The military power is at all times and in all cases in strict subordination to the civil power.

Nothing is so dangerous to the liberties of a free people as a standing army, when its powers are independent of civil authorities.

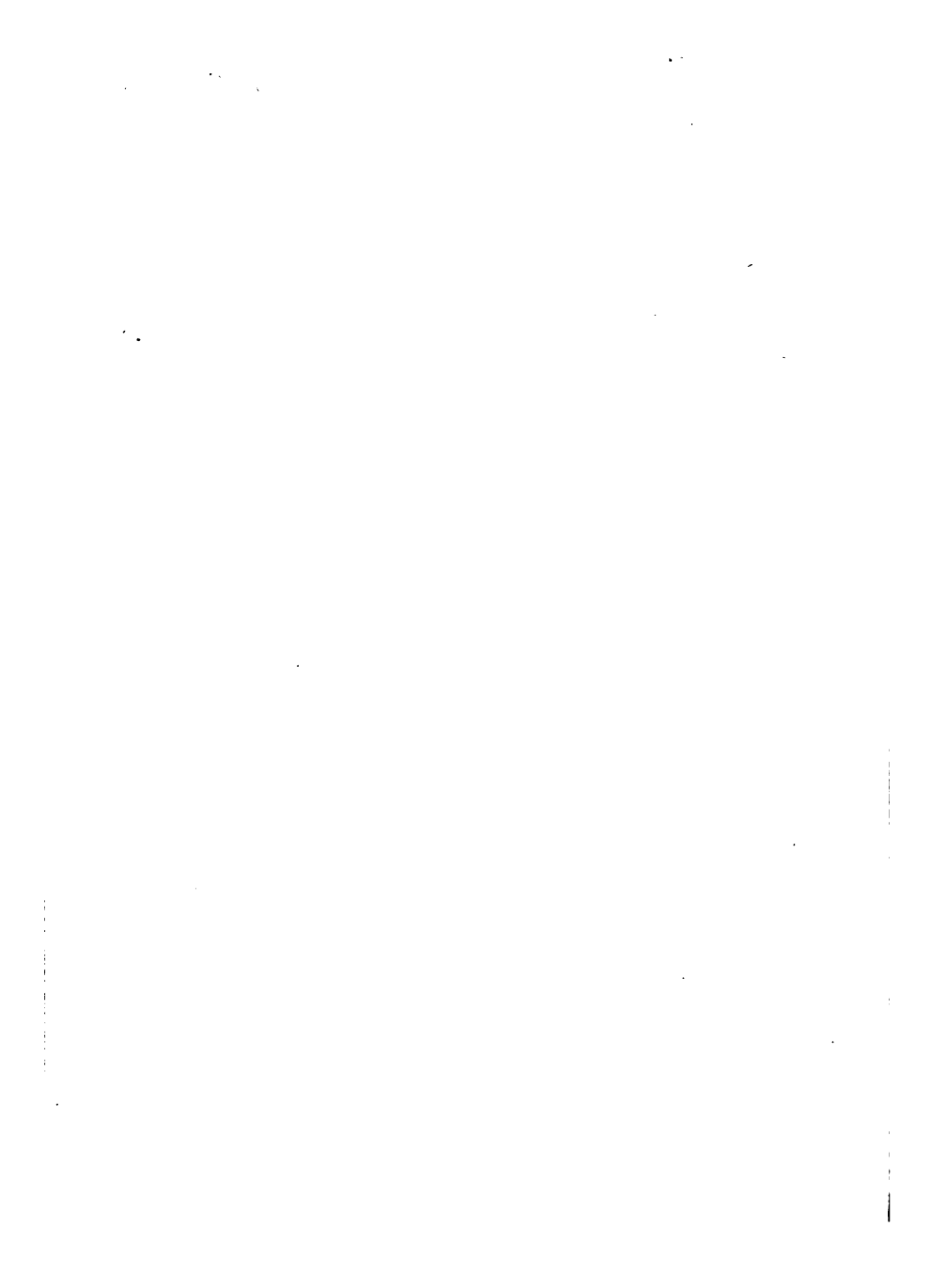
131. Duties of the citizen.—It is the duty of every citizen to obey the laws, to assist in the support of the government by the payment of all necessary taxes, to aid in the defence of his country in times of peril, to observe the rights of others, to have respect for those in authority, and to assist them, if necessary, in the proper enforcement of the laws.

Last but not least, it is his duty to be interested in all matters of public concern, both State and national, that he may act upon his own good judgment in deciding public questions, and not be guided by the dictates of political mountebanks. Otherwise, our government will not be a government “by the people, of the people, and for the people”.

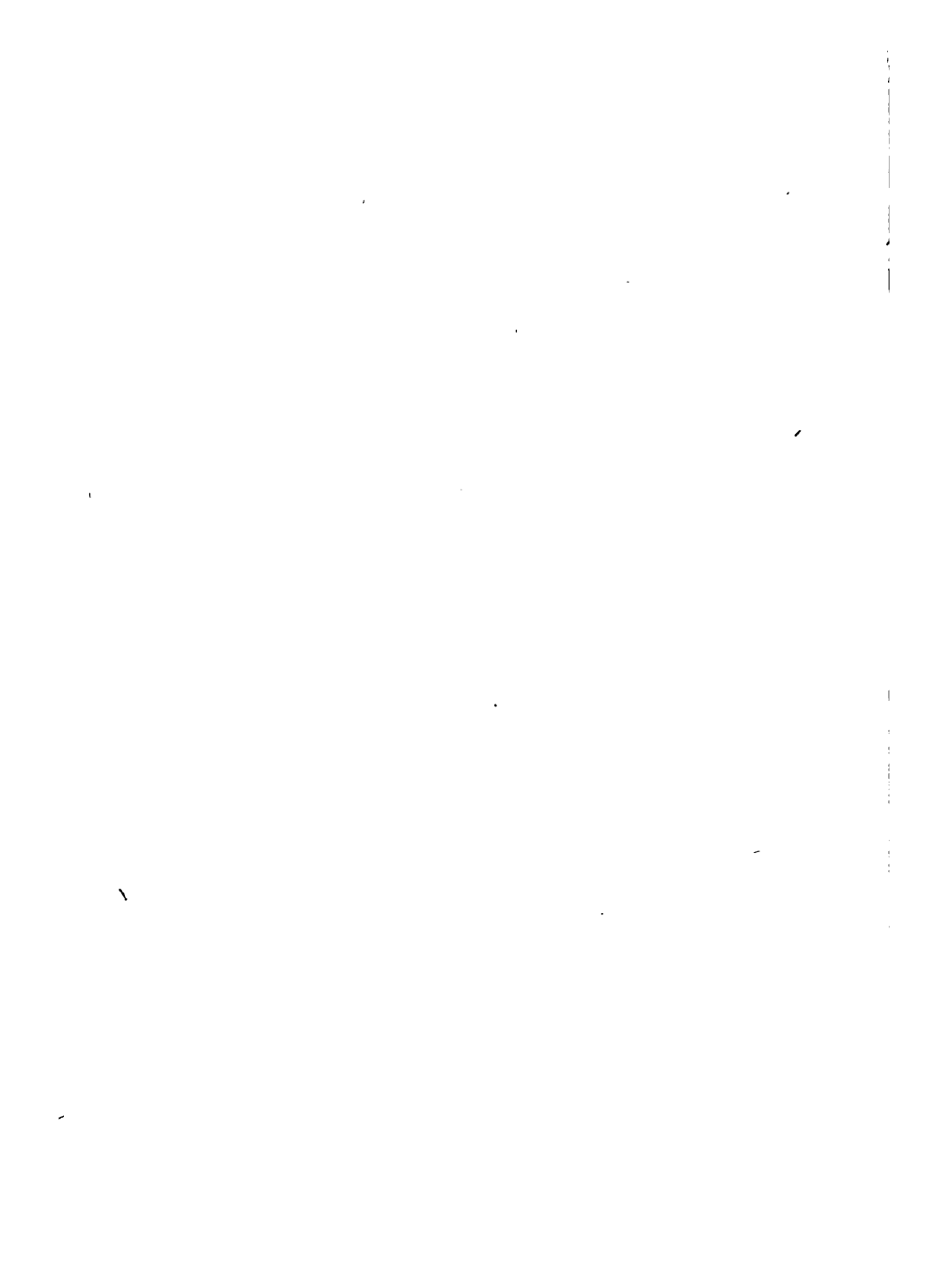
REVIEW QUESTIONS

1. What is meant by a bill of rights ?
2. In what instances, and how, may a person be deprived of his right to life, liberty, and property ?
3. What is a writ of *habeas corpus*, and for what purpose used ?
4. When may the privilege of the writ be suspended ?

5. What is meant by the right to bail, and can it be denied ?
6. What would be a cruel or unusual punishment ?
7. What are the rights of accused persons ?
8. What can you say of the freedom of religious worship ?
9. What is meant by liberty of speech and press ?
10. When may search warrants issue ?
11. What is the extent of the right to bear arms ?
12. How is the right of petition usually exercised ?
13. What can you say of the right of trial by jury ?
14. Is a person entitled to compensation for property which is taken for public use ?
15. What can you say of the equality of citizens ?
16. When may a person be imprisoned for debt ?
17. What are the rights of aliens ?
18. Name some of the duties of the citizen.



APPENDIX



CONSTITUTION

OF THE

STATE OF MICHIGAN

THE PEOPLE OF THE STATE OF MICHIGAN DO ORDAIN THIS CONSTITUTION :

ARTICLE I.—Boundaries

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit : Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee bay shall intersect the same—said point being the northwest corner of the State of Ohio, as established by act of congress, entitled “An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the union upon the conditions therein expressed”, approved June fifteenth, one thousand eight hundred and thirty-six, thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie, thence with

said boundary line between the United States and Canada through the Detroit river, Lake Huron, and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said River Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the River Brule to the main channel of the Menominee river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

ARTICLE II.—Seat of Government

The seat of government shall be at Lansing, where it is now established.

ARTICLE III.—Division of the Powers of Government

1. The powers of government are divided into three departments: the legislative, executive, and judicial.

2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

ARTICLE IV.—Legislative Department

1. The legislative power is vested in a senate and house of representatives.

2. The senate shall consist of thirty-two members. Senators shall be elected for two years and by single districts. Such districts shall be numbered from one to thirty-two inclusive, each of which shall choose one senator. No county shall be divided in the formation of senate districts, except such county shall be equitably entitled to two or more senators.

3. The house of representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent who are not civilized or are members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a representative dis-

tract. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative the board of supervisors shall assemble at such time and place as the legislature shall prescribe and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

4. The legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the senate districts and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent

who are not civilized or are members of any tribe. Each apportionment and the division into representative districts by any board of supervisors shall remain unaltered until the return of another enumeration.

5. Senators and representatives shall be citizens of the United States and qualified electors in their respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

6. No person holding any office under the United States or any county office, except notaries public, officers of the militia, and officers elected by townships, shall be eligible to or have a seat in either house of the legislature, and all votes given for any such person shall be void.

7. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

trict. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative the board of supervisors shall assemble at such time and place as the legislature shall prescribe and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

4. The legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the senate districts and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent

who are not civilized or are members of any tribe. Each apportionment and the division into representative districts by any board of supervisors shall remain unaltered until the return of another enumeration.

5. Senators and representatives shall be citizens of the United States and qualified electors in their respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

6. No person holding any office under the United States or any county office, except notaries public, officers of the militia, and officers elected by townships, shall be eligible to or have a seat in either house of the legislature, and all votes given for any such person shall be void.

7. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

8. A majority of each house shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections, and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election; the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

10. Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

11. In all elections by either house or in joint convention the votes shall be given *viva voce*. All votes on nominations to the senate shall be taken by yeas and nays, and published with the journal of its proceedings.

12. The doors of each house shall be open, unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for

more than three days, nor to any other place than where the legislature may then be in session.

13. Bills may originate in either house of the legislature.

14. Every bill and concurrent resolution, except of adjournment, passed by the legislature, shall be presented to the governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration if two-thirds of the members elected agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not become a law. The governor may approve, sign, and file in the office of the secretary of state, within five days after the adjournment of the legislature, any act passed during the last five days of the session, and the same shall become a law.

15. The compensation of the members of the legislature shall be three dollars per day for actual attendance and when absent on account of sickness, but the legislature may allow extra compensation to the members from the territory of the upper peninsula, not exceeding two dollars per day during a session. When convened in extra session, their compensation shall be three dollars a day for the first twenty days and nothing thereafter ; and they shall legislate on no other subjects than those expressly stated in the governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually travelled, in going to and returning from the place of meeting, on the usually travelled route, and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals, and documents of the legislature of which he was a member, but shall not receive, at the expense of the State, books, newspapers or other perquisites of office not expressly authorized by this constitution.

16. The legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the legislature, but not on any sent or mailed by them.

17. The president of the senate and the speaker

of the house of representatives shall be entitled to the same per diem compensation and mileage as members of the legislature, and no more.

18. No person elected a member of the legislature shall receive any civil appointment within this State, or to the senate of the United States, from the governor, the governor and the senate, from the legislature, or any other State authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment shall be void. No member of the legislature shall be interested, directly or indirectly, in any contract with the State or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

19. Every bill and joint resolution shall be read three times in each house before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by ayes and nays and entered on the journal.

20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

21. The legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

22. The legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper and printing for the executive departments, and all other printing ordered by the legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the legislature nor officer of the State shall be interested directly or indirectly in any such contract.

23. The legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

24. The legislature may authorize the employ-

ment of a chaplain for the State prison ; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

25. No law shall be revised, altered or amended by reference to its title only ; but the act revised and the section or sections of the act altered or amended shall be re-enacted and published at length.

26. Divorces shall not be granted by the legislature.

27. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

28. No new bill shall be introduced into either house of the legislature after the first fifty days of a session shall have expired.

29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage who is declared to be entitled to a seat by the house in which the contest takes place.

30. No collector, holder nor disbursers of public moneys shall have a seat in the legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

31. The legislature shall not audit nor allow any private claim or account.

32. The legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

33. The legislature shall meet at the seat of government on the first Wednesday in January, in the year one thousand eight hundred and sixty-one, and on the first Wednesday of January in every second year thereafter, and at no other place or time, unless as provided in the constitution of the State, and shall adjourn without day at such time as the legislature shall fix by concurrent resolution.

34. The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

35. The legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage shall be entitled to receive a sum not exceeding fifteen dollars therefor.

36. The legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

37. The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

38. The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

39. The legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

40. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purposes.

41. The legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of such right.

43. The legislature shall pass no bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

44. The privilege of the writ of *habeas corpus* remains and shall not be suspended by the legislature, except in case of rebellion or invasion the public safety require it.

45. The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

46. The legislature may authorize a trial by a jury of a less number than twelve men.

47. *

48. The style of the laws shall be, "The People of the State of Michigan enact."

49. The legislature may provide for the laying out, construction, and maintenance of county and township roads, and may provide that any road heretofore laid out shall be a county or township road. County roads may be maintained at the expense of the county, and township roads at the expense of the township. County roads shall be under the control of a board of commissioners not to exceed five in number who shall be elected by the people, the number of said commissioners to be fixed by the board of supervisors of the county. For the construction and maintenance of county roads, the

* By amendment proposed by the legislature of 1875, joint resolution No. 21, and approved by the people at the November election of 1876, section 47, article IV, was stricken out. It prohibited the license of the sale of intoxicating liquors.

commissioners may provide for an annual tax not exceeding two dollars upon each one thousand dollars of the assessment roll of the county for the preceding year. No county shall incur any indebtedness or issue any bonds for the construction or maintenance of county roads, except upon a vote of two-thirds of all the supervisors elected, and then to be approved by a majority vote at any general or special election ; nor shall any such indebtedness at any time exceed three per cent of the valuation of the county upon the last preceding assessment roll. The legislature may modify, change or repeal the powers and duties of the township commissioner of highways and overseer of highways. The legislature may pass all necessary laws to carry this amendment into effect : *Provided*, That any act or acts passed by the legislature to carry this amendment into effect shall provide for a county and township system, and the county system shall become operative only in such counties as shall adopt it by a majority vote of the electors of said county, after the said question has been submitted to them by a two-thirds vote of all the members elect of the board of supervisors of such county, at a general or special election called for that purpose.

ARTICLE V.—Executive Department

1. The executive power is vested in a governor who shall hold his office for two years. A lieutenant-governor shall be chosen for the same term.

2. No person shall be eligible to the office of governor or lieutenant-governor, who has not been five years a citizen of the United States and a resident of this State two years next preceding his election ; nor shall any person be eligible to either office who has not attained the age of 30 years.

3. The governor and lieutenant-governor shall be elected at the times and places of choosing the members of the legislature. The person having the highest number of votes for governor or lieutenant-governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for governor or lieutenant-governor, the legislature shall, by joint vote, choose one of such persons.

4. The governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions.

5. He shall transact all necessary business with officers of government, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

6. He shall take care that the laws be faithfully executed.

7. He may convene the legislature on extraordinary occasions.

8. He shall give to the legislature, and at the close of his official term, to the next legislature,

information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

9. He may convene the legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

10. He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

11. He may grant reprieves, commutations and pardons after convictions, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

12. In case of the impeachment of the governor, his removal from office, death, inability, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor, for the residue of the term, or until the disability

ceases. When the governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

13. During a vacancy in the office of governor, if the lieutenant-governor die, resign, or be impeached, displaced, be incapable of performing the duties of his office, or absent himself from the State, the president *pro tempore* of the senate shall act as governor until the vacancy be filled or the disability cease.

14. The lieutenant-governor, shall by virtue of his office, be president of the senate. In committee of the whole he may debate all questions ; and when there is an equal division, he shall give the casting vote.

15. No member of congress, nor any person holding office under the United States, or this State, shall execute the office of governor.

16. No person elected governor or lieutenant-governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

17. The lieutenant and president of the senate *pro tempore*, when performing the duties of governor, shall receive the same compensation as the governor.

18. All official acts of the governor, his approval of the laws excepted, shall be authenticated by the

great seal of the State, which shall be kept by the secretary of state.

19. All commissions issued to persons holding office under the provisions of this constitution shall be in the name and by the authority of the people of the State of Michigan, sealed with the great seal of the State, signed by the governor, and countersigned by the secretary of state.

ARTICLE VI.—Judicial Department

1. The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities.

2. For the term of six years and thereafter until the legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers prescribed in this constitution, to consist of one chief justice and three associate justices, to be chosen by the electors of the State. Such supreme court, when so organized, shall not be changed or discontinued by the legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go

out of office at the same time. The term of office shall be eight years.*

3. The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, *habeas corpus*, *mandamus*, *quo warranto*, *procedendo*, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

4. Four terms of the supreme court shall be held annually at such times and places as may be designated by law.

5. The supreme court shall, by general rules, establish, modify, and amend the practice in such court and in the circuit courts, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the

* Act No. 6, public acts of 1887, provides that there shall be five justices of the supreme court and that the term of office of each shall be ten years.

judicial circuit in which the county of Kent is or may be situated. And the circuit judge or judges of said circuits, in addition to the salary provided by this constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the boards of supervisors of said counties. And the board of supervisors of each county in the upper peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit, to which such county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors. This section, as amended, shall take effect from the time of its adoption.

7. The legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established the judge shall be elected by the electors of such circuit and his term of office shall continue, as provided in this constitution for judges of the circuit court.

8. The circuit court shall have original jurisdiction in all matters civil and criminal not excepted in this constitution and not prohibited by law, and appellated jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They also have power to issue writs of *habeas*

corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments, and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

9. Each of the judges of the circuit courts shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the legislature or the people shall be void.

10. The supreme court may appoint a reporter of its decisions. The decisions of the supreme court shall be in writing and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court within their respective jurisdictions may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court or circuit court shall exercise any other power of appointment to public office.

11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties con-

taining ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county. The supreme court shall have power to appoint a clerk for such supreme court.

13. In each of the counties organized for judicial purposes there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such court shall be prescribed by law.

14. When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

15. The supreme court, the circuit and probate courts of each county shall be courts of record, and shall each have a common seal.

16. The legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

17. There shall be not exceeding four justices of

the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The legislature may increase the number of justices in cities.

18. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the legislature.

19. Judges of the supreme court, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

20. The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent election of such additional judge at the regular elections herein provided.

21. The first election of judges of the probate courts shall be held on the Tuesday succeeding the

first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, they shall be deemed to have vacated their respective offices.

23. The legislature may establish courts of conciliation with such power and duties as shall be prescribed by law.

24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

25. In all prosecutions for libels the truth may be given in evidence to the jury ; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact.

26. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue, without describing them, nor without probable cause, supported by oath or affirmation.

27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

28. In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

29. No person after acquittal upon the merits shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient surities, except for murder and treason when the proof is evident or the presumption great.

30. Treason against the State shall consist only in levying war against or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained.

32. No person shall be compelled, in any criminal

case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

33. No person shall be imprisoned for debt arising out of, or founded on a contract express or implied, except in cases of fraud or breach of trust or of moneys collected by public officers or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

35. The style of all process shall be, "In the name of the people of the State of Michigan."

ARTICLE VII.—Elections

1. In all elections, every male inhabitant of this State, being a citizen of the United States, every male inhabitant residing in this State on the twenty-fourth day of June, eighteen hundred thirty-five, every male inhabitant residing in the State on the first day of January, eighteen hundred fifty, every male inhabitant of foreign birth who, having resided in the State two years and six months prior to the eighth day of November, eighteen hundred ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day, and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall

be an elector and entitled to vote ; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this State six months and in the township or ward in which he offers to vote twenty days next preceding such election : *Provided*, That in time of war, insurrection or rebellion no qualified elector in the actual military service of the United States, or of this State, or in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or State in which he resides, and the legislature shall have the power, and shall provide the manner in which and the time and place at which such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside or otherwise.

2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

3. Every elector, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

4. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or attend court as a suitor or witness.

5. No elector shall be deemed to have gained or lost a residence by reason of his being employed in

the service of the United States or of this State; nor while engaged in the navigation of the waters of this State or of the United States; or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison, except that honorably discharged soldiers, sailors and marines who have served in the military or naval forces of the United States or of this State, and who reside in soldiers' homes established by the State, may acquire a residence where such home is located.

6. Laws may be passed to preserve the purity of elections and guard against abuses of the elective franchise.

7. No soldier, seaman nor marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same.

8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State and shall not be permitted to vote at any election.

ARTICLE VIII.—State Officers

1. There shall be elected at each general biennial election a secretary of state, a superintendent of public instruction, a state treasurer, a commissioner

of the land office, an auditor general, and an attorney general for the term of two years. They shall keep their offices at the seat of government and shall perform such duties as may be prescribed by law.

2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

3. Whenever a vacancy shall occur in any of the State offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate if in session.

4. The secretary of state, State treasurer, and commissioner of the State land office shall constitute a board of State auditors to examine and adjust all claims against the State, not otherwise provided for by general law. They shall constitute a board of State canvassers, to determine the result of all elections for governor, lieutenant-governor, and State officers, and of such other officers as shall by law be referred to them.

5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of State canvassers, the legislature in joint convention, shall choose one of said persons to fill such office. When the determination of the board of State canvassers is contested, the legislature, in joint convention, shall decide which person is elected.

ARTICLE IX.—Salaries

1. The governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the State treasurer shall receive an annual salary of one thousand dollars; the superintendent of public instruction shall receive an annual salary of one thousand dollars; the secretary of state shall receive an annual salary of eight hundred dollars; the commissioner of the land office shall receive an annual salary of eight hundred dollars; the attorney-general shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the legislature to increase the salaries herein provided.

ARTICLE X.—Counties

1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

2. No organized county shall ever be reduced by the organization of new counties to less than sixteen townships as surveyed by the United States, unless in pursuance of law a majority of electors residing in each county to be affected thereby shall so decide. The legislature may organize any city into a separate county, when it has obtained a population of

twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

4. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds shall hold their offices at the county seat.

5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

6. A board of supervisors consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

7. Cities shall have such representation in the

board of supervisors of the counties in which they are situated as the legislature may direct.

8. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

9. The board of supervisors of any county may borrow or raise by tax one thousand dollars for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon.

10. The board of supervisors, or in the county of Wayne, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against, their respective counties, and the sum so fixed or defined shall be subject to no appeal.

11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships, under such restrictions and limitations as shall be prescribed by law.

ARTICLE XI.—Townships

1. There shall be elected annually, on the first

duct in office or any other misfeasance or malfeasance therein, either of the following State officers, to wit: the attorney-general, State treasurer, commissioner of the land office, secretary of state, auditor-general, superintendent of public instruction or members of the State board of education, or any other officers of the State, except legislative and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and to report the causes of such removal to the legislature at its next session.

ARTICLE XIII.—Education

1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof

shall be appropriated exclusively to the support of primary schools.

4. The legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition at least three months in each year in every school district in the State, and all instruction in said school shall be conducted in the English language.

5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school shall be deprived, for the ensuing year, of its proportion of the income of the primary school fund and of all funds arising from taxes for the support of schools.

6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the supreme court, eight regents of the university, two of whom shall hold their office for two years, two for four years, two for six years, and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a justice of the supreme court thereafter there shall be elected two regents whose term of office shall be eight years. When a vacancy shall occur in the office of regent, it shall be filled by appointment of the governor. The regents thus elected

shall constitute the board of regents of the university of Michigan.

7. The regents of the university and their successors in office shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan".

8. The regents of the university shall, at their first annual meeting, or as soon thereafter as may be, elect a president of the university, who shall be *ex officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the regents and be the principal executive officer of the university. The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund.

9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two three members of a State board of education: one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The superintendent of public instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State normal school, and their duties shall be prescribed by law.

10. Institutions for the benefit of those inhabitants

who are deaf, dumb, blind or insane shall always be fostered and supported.

11. The legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the university, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the regents of the university.

12. The legislature shall also provide for the establishment of at least one library in each township and city, and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries, unless otherwise ordered by township board of any township or the board of education of any city: *Provided*, That in no case shall such fines be used for other than library or school purposes.

ARTICLE XIV.—Finance and Taxation

1. All specific State taxes, except those received

from the mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the primary school interest fund. The legislature shall provide for an annual tax, sufficient with other resources to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

2. The legislature shall provide by law a sinking fund of at least twenty thousand dollars a year to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent per annum, and an annual increase of at least five per cent, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for

which they were obtained, or to the payment of the debt so contracted.

4. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

5. No money shall be paid out of the treasury except in pursuance of appropriations made by law.

6. The credit of the State shall not be granted to, or in aid of, any person, association or corporation.

7. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

8. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property: *Provided, however,* That the legislature of the State, by appropriate legislation, may authorize the city of Grand Rapids to issue its bonds for the improvement of the navigation of Grand river.

10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The legislature may provide for the collection of

specific taxes from banking, railroad, plank road and other corporations hereafter created.

11. The legislature shall provide an uniform rule of taxation, except on property paying specific taxes, and taxes, shall be levied on such property as shall be prescribed by law.

12. All assessments hereafter authorized shall be on property at its cash value.

13. The legislature shall provide for an equalization by a State board in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property except that paying specific taxes.

14. Every law which imposes, continues or revives a tax shall distinctly state the tax, and the object to which it is to be applied ; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE XV.—Corporations

1. Corporations may be formed under general laws but shall not be created by special act except for municipal purposes. All laws passed pursuant to this section may be amended, altered or repealed. But the legislature may, by a vote of two-thirds of the members elected to each house, create a single bank with branches.

2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State at a general

election and be approved by a majority of the votes cast thereon at such election.

3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted, during the term of their being officers or stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

4. For all banks organized under general laws, the legislature shall provide for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks bearing interest, which shall be deposited with the State treasurer for the redemption of such bills or notes in specie.

5. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

6. The legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association or corporation.

7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

8. The legislature shall pass no law altering

or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house ; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

9. The property of no person shall be taken by any corporation for public use, without compensation being first made or secured, in such manner as may be prescribed by law.

10. No corporation except for municipal purposes or for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years ; but the legislature may provide by general laws, applicable to any corporations, for one or more extensions of the term of such corporations while such term is running, not exceeding thirty years for each extension, on the consent of not less than a two-thirds majority of the capital of the corporation ; and by like general laws for the corporate reorganization for a further period, not exceeding thirty years, of such corporations whose terms have expired by limitation, on the consent of not less than four-fifths of the capital : *Provided*, That in cases of corporations where there is no capital stock, the legislature may provide the manner in which such corporations may be reorganized.

11. The term " corporations ", as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies

having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to be sued in all courts in like cases as natural persons.

12. No corporation shall hold any real estate, hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

13. The legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

14. Judicial officers of cities and villages shall be elected and all other officers shall be elected or appointed at such time and in such manner as the legislature may direct.

15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders and actually paid or secured in the manner provided by law.

16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

ARTICLE XVI.—Exemptions

1. The personal property of every resident of this

State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this constitution.

2. Every homestead of not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village, or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution, or any other final process from a court, for any debt contracted after the adoption of this constitution. Such exemption shall not extend to any mortgage thereon, lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this constitution, in all cases during the minority of his children.

4. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled, by gift, grant, inheritance or device, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

ARTICLE XVII.—Militia

1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens, of any religious denomination whatever, who from scruples of conscience, may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

2. The legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

3. Officers of the militia shall be elected or appointed and be commissioned in such manner as may be provided by law.

ARTICLE XVIII.—Miscellaneous Provisions

1. Members of the legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this State, and that I will faithfully discharge the duties of the office of — according to the best of my ability." And no other oath, declaration or test shall be required as a qualification for any office or public trust.

2. When private property is taken for the use or benefit of the public, the necessity for using such property and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law: *Provided*, The foregoing provisions shall in no case be construed to apply to the action of commissioners of highways in the official discharge of their duty as highway commissioners.

3. No mechanical trade shall hereafter be taught to convicts in the State prison of this State, except the manufacture of those articles of which the chief

supply for home consumption is imported from other States or countries.

4. No navigable stream in this State shall be either bridged or dammed without authority from the board of supervisors of the proper county under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.

5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to, and published with, the laws at every regular session of the legislature.

6. The laws, public records, and the written judicial and legislative proceedings of the State shall be conducted, promulgated and preserved in the English language.

7. Every person has a right to bear arms for the defence of himself and the State.

8. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

10. The people have the right peaceably to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

11. Neither slavery, nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

12. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

13. Aliens who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

14. The property of no person shall be taken for public use without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damages to be sustained by the opening thereof shall be first determined by a jury of free-holders; and such amount, together with the expenses of the proceedings, shall be paid by the person or persons to be benefited.

15. No general revision of the laws shall hereafter be made. When a reprint thereof becomes necessary, the legislature in joint convention shall appoint a suitable person to collect together such acts and parts of acts as are in force, and without alteration, arrange them under appropriate heads and titles. The law so arranged shall be submitted to two commissioners appointed by the governor for examination, and if certified by them to be a correct compi-

lation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

ARTICLE XIX.—Upper Peninsula

1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron and Michigan, and in Green Bay and the Straits of Mackinac and the River Ste. Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.

2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

ARTICLE XIX—A.—Railroads

1. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor

of either of such companies as against other companies owning connecting or intersecting lines of railroad.

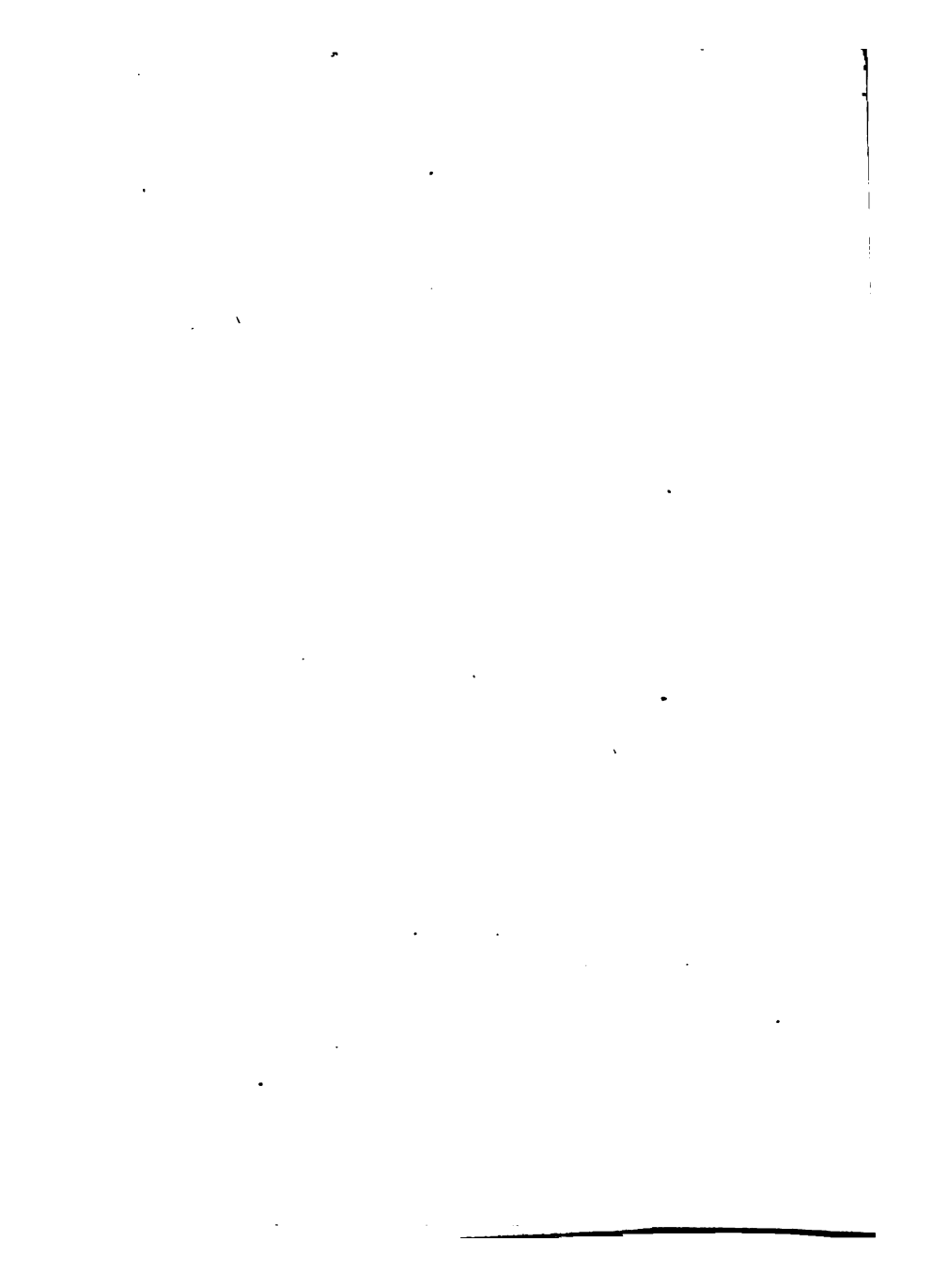
2. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation, owning a parallell or competing line ; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.

**ARTICLE XX.—Amendment and Revision of
the Constitution**

1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the legislature shall direct ; and if a majority of electors qualified to vote for members of the legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the legislature may by law provide,

the question of the general revision of the constitution shall be submitted to the electors qualified to vote for members of the legislature, and in case a majority of the electors so qualified voting at such election, shall decide in favor of a convention for such purpose, the legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.



THE CONSTITUTION OF THE UNITED STATES OF AMERICA

PREAMBLE

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.—Legislative

SECTION 1.—CONGRESS

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION 2.—HOUSE OF REPRESENTATIVES

1. *Election.*—The house of representatives shall be composed of members chosen every second year by the people of the several States ; and the electors in each State shall have the qualifications requisite

for electors of the most numerous branch of the State legislature.

2. *Qualifications.*—No person shall be a representative who shall not (1) have attained to the age of twenty-five years, and (2) been seven years a citizen of the United States, and who shall not (3) when elected, be an inhabitant of that State in which he shall be chosen.

3. *Apportionment.*—Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Mary-

land, six ; Virginia, ten ; North Carolina, five ; South Carolina, five ; and Georgia three.

4. *Vacancies*.—When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. *Officers*.—The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.—SENATE

1. *Election*.—The senate of the United States shall be composed of two senators from each State chosen by the legislature thereof, for six years: and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year ; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. *Qualifications*.—No person shall be a senator

who shall not have (1) attained the age of thirty years, and (2) been nine years a citizen of the United States, and who shall not (3), when elected, be an inhabitant of that State for which he shall be chosen.

4. *Officers.*—The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

5. The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. *Impeachments.*—The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgments in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4.—ELECTIONS AND MEETINGS

1. *Elections.*—The times, places and manner of

holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the place of choosing senators.

2. *Meetings*.—The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.—ORGANIZATION

1. *Quorum*.—Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. *Rules*.—Each house may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. *Journal*.—Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. *Adjournment.*—Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.—MEMBERS AS INDIVIDUALS

1. *Pay and Privileges.*—The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same ; and for any speech or debate in either house they shall not be questioned in any other place.

2. *Prohibitions.*—No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time ; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION 7.—REVENUE ; THE VETO

1. *Revenue Bills.*—All bills for raising revenue shall originate in the house of representatives ; but

the senate may propose or concur with amendments as on other bills.

2. *The Veto*.—Every bill which shall have passed the house of representatives and the senate shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated; who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the senate and the house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the

United States ; and before the same shall take effect, shall be approved by him ; or being disapproved by him shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.—LEGISLATIVE POWERS

The congress shall have power :

1. To lay and collect taxes, duties, imposts, and excises ; to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post-roads.

8. To promote the progress of science and useful

arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the supreme court ; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To make rules for the government and regulation of the land and naval forces.

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States ; reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by congress.

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States,

and the acceptance of congress, become the seat of government of the United States ; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ; and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.—GENERAL PROHIBITIONS

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on any articles exported from any State. No preference shall be

given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.—PROHIBITIONS UPON THE STATES

1. *Absolute*.—No State shall (1) enter into any treaty, alliance or confederation : (2) grant letters of marque and reprisal ; (3) coin money ; (4) emit bills of credit ; (5) make any thing but gold and silver coin a tender in payment of debts ; (6) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts ; or (7) grant any title of nobility.

2. *Except by Consent of Congress*.—No State shall, without consent of congress, (1) lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts laid

by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No State shall, without the consent of congress, (2) lay any duty of tonage, (3) keep troops or ships of war in time of peace, (4) enter into any agreement or compact with another State, or with a foreign power, or (5) engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—Executive

SECTION 1.—THE PRESIDENT AND VICE-PRESIDENT

1. *Election*.—The executive power will be vested in a president of the United States of America. He shall hold his office during the term of four years ; and together with the vice-president chosen for the same term, be elected as follows :

2. Each State shall appoint, in such manner as the legislature thereof may direct a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(Paragraph 3 has been superseded and annulled by the 12th amendment.)

4. The congress may determine the time of choosing the electors, and the day on which they shall

give their votes, which day shall be the same throughout the United States.

5. *Qualifications*.—No person, except (1) a natural born citizen or a citizen of the United States at the time of the adoption of this constitution shall be eligible to the office of president; neither shall any person be eligible to the office who shall not have (2) attained to the age of thirty-five years, and (3) been fourteen years a resident within the United States.

6. *Vacancy*.—In case of the removal of the president from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may, by law, provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. *Salary*.—The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States or any of them.

8. *Oath*.—Before he enter on the execution of his office, he shall take the following oath of affirmation:

“I do solemnly swear (or affirm) that I will faith-

fully execute the office of president of the United States; and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

SECTION 2.—POWERS

1. The president shall be (1) commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may (2) require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall (3) have power to grant reprieves and pardon for offences against the United States, except in cases of impeachment.

2. He shall (4) have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall (5) nominate, and by and with the advice and consent of the senate shall appoint, (a) ambassadors, (b) other public ministers and consuls, (c) judges of the supreme court, and (d) all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall (6) have power to fill up

all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3

1. He shall, from time to time, (7) give to the congress information of the state of the Union, and (8) recommend to their consideration such measures as he shall judge necessary and expedient. He may, (9) on extraordinary occasions, convene both houses, or either of them ; and in case of disagreement between them with respect to the time of adjournment, he may (10) adjourn them to such time as he shall think proper. He shall (11) receive ambassadors and other public ministers. He shall (12) take care that the laws be faithfully executed ; and shall (13) commission all the officers of the United States.

SECTION 4.—IMPEACHMENTS

1. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other higher crimes or misdemeanors.

ARTICLE III.—Judicial

SECTION 1.—COURTS

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during

good behavior ; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2.—JURISDICTION

1. *Extent.*—The judicial power shall extend to (1) all cases in law and equity arising under this constitution, the laws of the United States and treaties made, or which shall be made under their authority ; to (2) all cases affecting ambassadors, other public ministers and consuls ; to (3) all cases of admiralty and maritime jurisdiction ; to (4) controversies to which the United States shall be a party ; to controversies (5) between two or more States ; (6) between a State and citizens of another State ; (7) between citizens of different States ; (8) between citizens of the same State claiming lands under grants of different States and (9) between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. *Original and appellate.*—In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress may make.

3. *Criminal.*—The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial

shall be held in the State where the said crimes shall have been committed ; but when not committed within any State, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.—TREASON

1. *Definition and proof.*—Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. *Limit.*—The congress shall have power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.—Relations of States

SECTION 1.—PUBLIC RECORDS

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State ; and the congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2.—RIGHTS OF CITIZENS

1. *In other States.*—The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. *Extradition.*—A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. *A relic of slavery.*—No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such services or labor; but shall be delivered upon claim of the party to whom such service or labor may be due.

SECTION 3.—NEW STATES AND TERRITORIES

1. *New States.*—New States may be admitted by the congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the congress.

2. *Territories.*—The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.—NATIONAL PROTECTION

1. The United States shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion ; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.—Amendments

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution ; or, on the applications of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or in conventions of three-fourths thereof, as the one or the other mode of ratification may be proposed by congress ; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.—Sundry Provisions

1. *National debts*.—All debts contracted and engagements entered into before the adoption of this

constitution shall be as valid against the **United States** under this constitution, as under the **confederation**.

2. *National law supreme.*—This constitution, **and** the laws of the United States which shall be **made** in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the **land** ; and the judges in every State shall be bound **thereby**, anything in the constitution or laws of **any** State to the contrary notwithstanding.

3. *Oaths.*—The senators and representatives before mentioned, and members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—Establishment

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.

[Constitution ratified by States 1787—1790.]

AMENDMENTS

I. Freedom of Religion, Speech, and Petition

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise

thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.—(1791.)

II.—Arms

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—(1791.)

III.—Quartering of Soldiers

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.—(1791.)

IV.—Search Warrants

The right of the people to be secure in their persons, houses, paper and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—(1791.)

V.—Criminal Proceedings

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public

danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law ; nor shall private property be taken for public use without just compensation.—(1791.)

VI.—Criminal Proceedings

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.—(1791.)

VII.—Trial by Jury

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.—(1791.)

VIII.—Excessive Punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—(1791.)

IX.—Rights not Named

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.—(1791.)

X.—Powers Reserved

The powers not delegated to the United States by the constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.—(1791.)

XI.—Suits against States

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.—(1798.)

XII.—Election of President

1. The electors shall meet in their respective States, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the persons voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the presi-

dent of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all of the certificates, and the votes shall be counted. The person having the greatest number of votes for president shall be president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of the States shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president as in case of death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president. A quorum

for the purpose shall consist of two-thirds of the number of senators, and a majority of the whole number shall be necessary to a choice. §

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.—(1804.)

XIII.—Slavery

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.—(1865.)

XIV.—Civil Rights

1. *Civil rights*.—All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. *Apportionment of representatives*.—Representatives shall be apportioned among the several States according to their respective numbers, counting the

whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male persons shall bear to the whole number of male citizens twenty-one years of age in such State.

3. *Political disabilities*.—No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of congress, or an officer of the United States, or as any member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a two-thirds vote of each house, remove such disability.

4. *Public debt*.—The validity of the public debt of the United States authorized by law, including

debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.
—(1868.)

XV.—Suffrage

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

2. The congress shall have power to enforce this article by appropriate legislation.—(1870.)

•

TABULAR INDEX OF CONTENTS

	PAGE
I. DEFINITIONS AND GENERAL PRINCIPLES.....	9
1. Meaning of Civil Government.....	9
2. Necessity.....	9
3. Different forms of government.....	10
4. Republican Form of Government.....	11
II. OBSERVATIONS ON OUR FORM OF GOVERNMENT.....	12
5. State and national authority.....	12
6. Constitutions.....	12
7. Division of powers.....	13
III. LOCAL GOVERNMENT.....	15
8. Definition.....	15
9. Nature and function.....	15
10. Corporate powers.....	16
11. Importance.....	17
IV. THE SCHOOL DISTRICT.....	18
12. Definition.....	18
13. District meetings.....	18
14. District officers.....	19
15. District board.....	20
16. Taxes.....	21
17. Bonds.....	21
V. THE TOWNSHIP.....	23
18. Definition.....	23
19. Township meeting.....	23
20. Executive officers.....	26
21. Township boards.....	28
22. Justices of the peace.....	30
23. Taxes.....	32

	PAGE
VI. THE COUNTY.....	34
24. Definition.....	34
25. County seat.....	35
26. Board of supervisors.....	35
27. Executive officers.....	37
28. Courts and judicial officers.....	42
29. Taxes.....	47
VII. THE CITY AND VILLAGE.....	49
30. The city.....	49
31. The village.....	50
32. Incorporation.....	50
33. Charter.....	50
34. Wards.....	50
35. Common council.....	50
36. Executive officers.....	52
37. Courts and judicial officers.....	53
38. Elections.....	54
39. Finance and taxation.....	55
40. City institutions.....	56
41. City boards.....	56
42. City and village compared.....	57
43. Conclusion.....	57
VIII. THE STATE.....	59
44. In general.....	59
45. The Northwest territory.....	59
46. Michigan territory.....	60
IX. THE STATE—continued.....	62
47. Admission into the union.....	62
48. Definition.....	63
49. Form of government.....	63
50. Constitution.....	63
51. Departments.....	64
52. Relation of State to local government.....	65
53. Function and powers.....	65
X. LEGISLATIVE DEPARTMENT.....	67
54. The legislature.....	67
55. Powers of the senate.....	72

	PAGE
The Legislature—continued	
56. Powers of the house.....	73
57. Powers of the legislature.....	73
58. Enactment of laws.....	75
59. Laws.....	78
XI. EXECUTIVE DEPARTMENT.....	81
60. In general.....	81
61. Executive power.....	81
62. Executive officers.....	81
63. State boards.....	87
XII. JUDICIAL DEPARTMENT.....	91
64. Judicial power	91
65. Supreme court.....	92
66. Courts of conciliation.....	94
XIII. ELECTIONS.....	96
67. In general.....	96
68. General elections.....	96
69. Special elections.....	96
70. Township and municipal elections.....	97
71. Qualifications of electors.....	97
72. Registration.....	97
73. Voting precincts.....	97
74. Polling places.....	98
75. Ballots.....	98
76. Election officers.....	98
77. Opening and closing of polls.....	98
78. Manner of voting.....	99
79. Challengers.....	99
80. Canvass.....	99
81. Privileges and disabilities of voters.....	99
XIV. PUBLIC OFFICES AND OFFICERS.....	101
83. Election and appointment.....	101
84. Oath of office.....	101
85. Bonds.....	101
86. Disqualification.....	101
87. Vacancies.....	101
88. Impeachments.....	108
89. Removal.....	108

	PAGE
XV. EDUCATION.....	106
90. In general.....	106
91. Primary school.....	106
92. Mining school.....	107
93. State normal school.....	107
94. Agricultural college.....	108
95. University.....	108
96. Libraries.....	108
XVI. STATE INSTITUTIONS.....	110
97. In general.....	110
98. Charitable.....	110
99. Reformatory and penal.....	111
XVII. TAXATION.....	113
100. Definition.....	113
101. Necessity.....	113
102. Classification.....	113
103. Uniformity.....	113
104. Equalization.....	114
105. Apportionment.....	114
106. Assessment rolls.....	114
107. Review.....	115
108. Assessment.....	115
109. Collection.....	116
110. Return of delinquent taxes.....	116
111. Sale, redemption, and conveyance of delinquent tax lands.....	116
112. Specific taxes.....	117
113. State debts.....	118
114. State credit.....	118
116. Internal improvements.....	118
UNITED STATES	
XVIII. GOVERNMENT PRIOR TO THE CONSTITUTION.....	121
1. In general.....	121
2. Colonial governments.....	121
3. Effect.....	122
4. Unity of the colonies.....	123
5. Declaration of Independence.....	124
6. Articles of confederation.....	125
7. Resumé.....	126

	PAGE
XIX. UNITED STATES	128
8. In general.....	128
9. The constitution.....	129
10. Departments of government.....	133
11. Relation of the national and State governments....	133
XX. CONGRESS	135
12. In general.....	135
13. Senate.....	135
14. House of representatives.....	137
15. Provisions common to both houses.....	139
XXI. LEGISLATION IN CONGRESS	142
16. Origin of bills.....	142
17. Consideration of bills.....	142
18. Approval by president.....	143
19. Enacting clause.....	144
XXII. POWERS OF CONGRESS	145
20. General powers.....	145
21. Taxes, duties, etc.....	145
22. Loans.....	147
23. Commerce.....	147
24. Naturalization.....	148
25. Bankruptcy.....	148
26. Money, its coinage, value, etc.....	149
27. Weights and measures.....	151
28. Post-offices and post-roads.....	152
29. Patents, trade-marks, and copyrights.....	152
30. Piracy.....	153
31. War.....	154
32. The army.....	154
33. The navy.....	154
34. Rules.....	155
35. The militia.....	155
36. Marque and reprisal.....	155
37. Other subjects.....	156
XXIII. THE PRESIDENT AND VICE-PRESIDENT	158
38. Executive power.....	158
39. Election.....	158

whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male persons shall bear to the whole number of male citizens twenty-one years of age in such State.

3. *Political disabilities*.—No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of congress, or an officer of the United States, or as any member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a two-thirds vote of each house, remove such disability.

4. *Public debt*.—The validity of the public debt of the United States authorized by law, including

debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

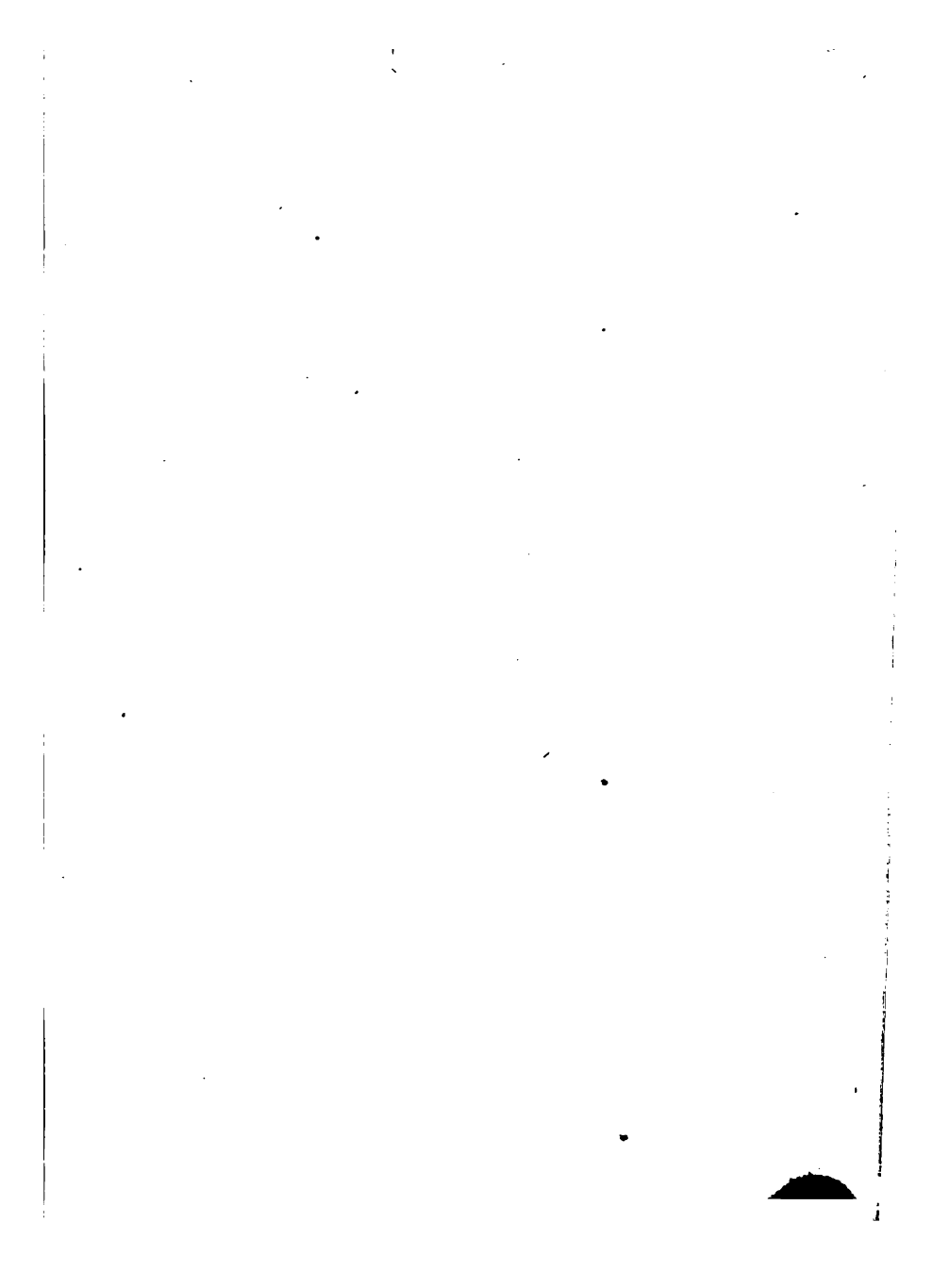
5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.
—(1868.)

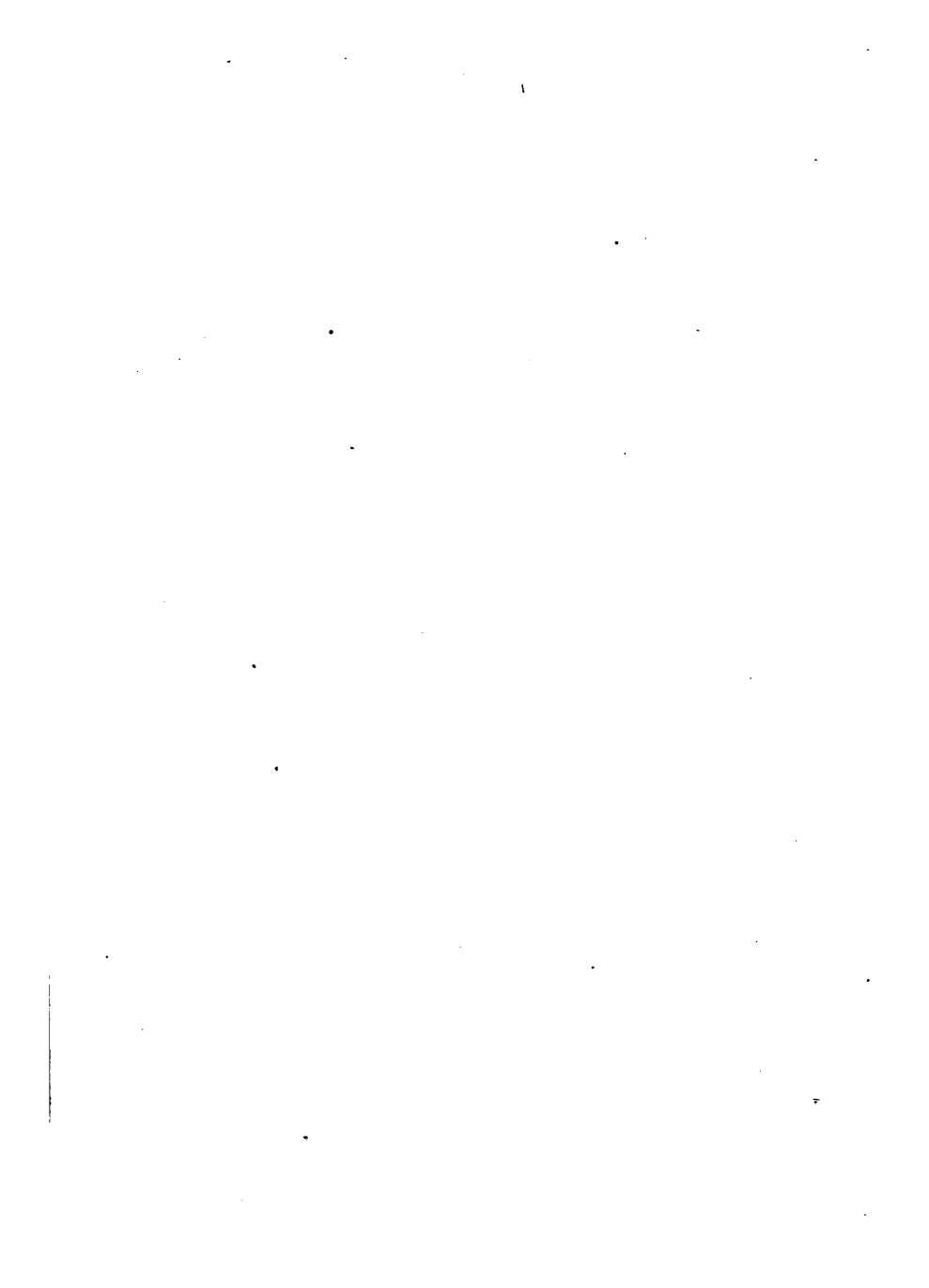
XV.—Suffrage

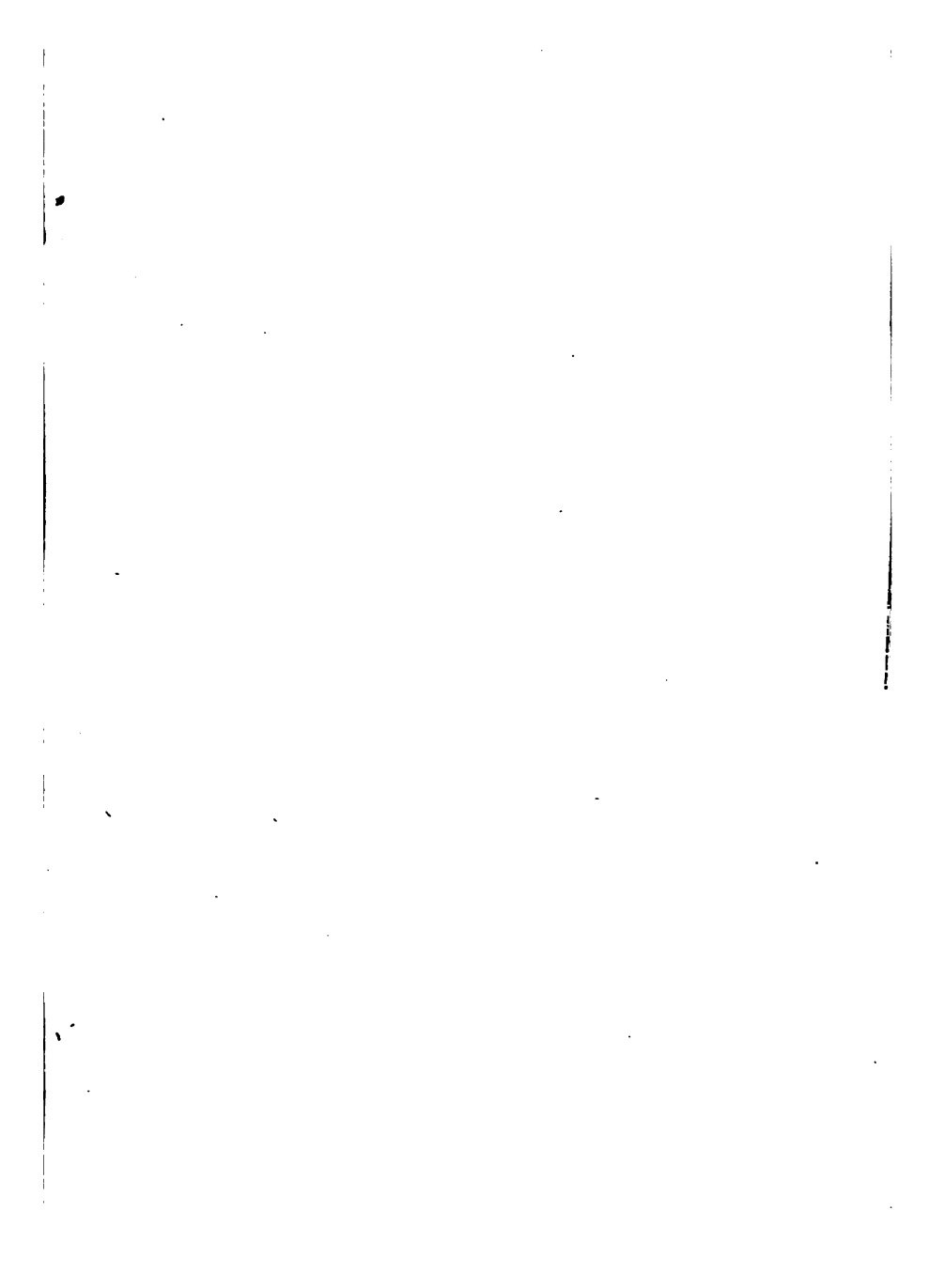
1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

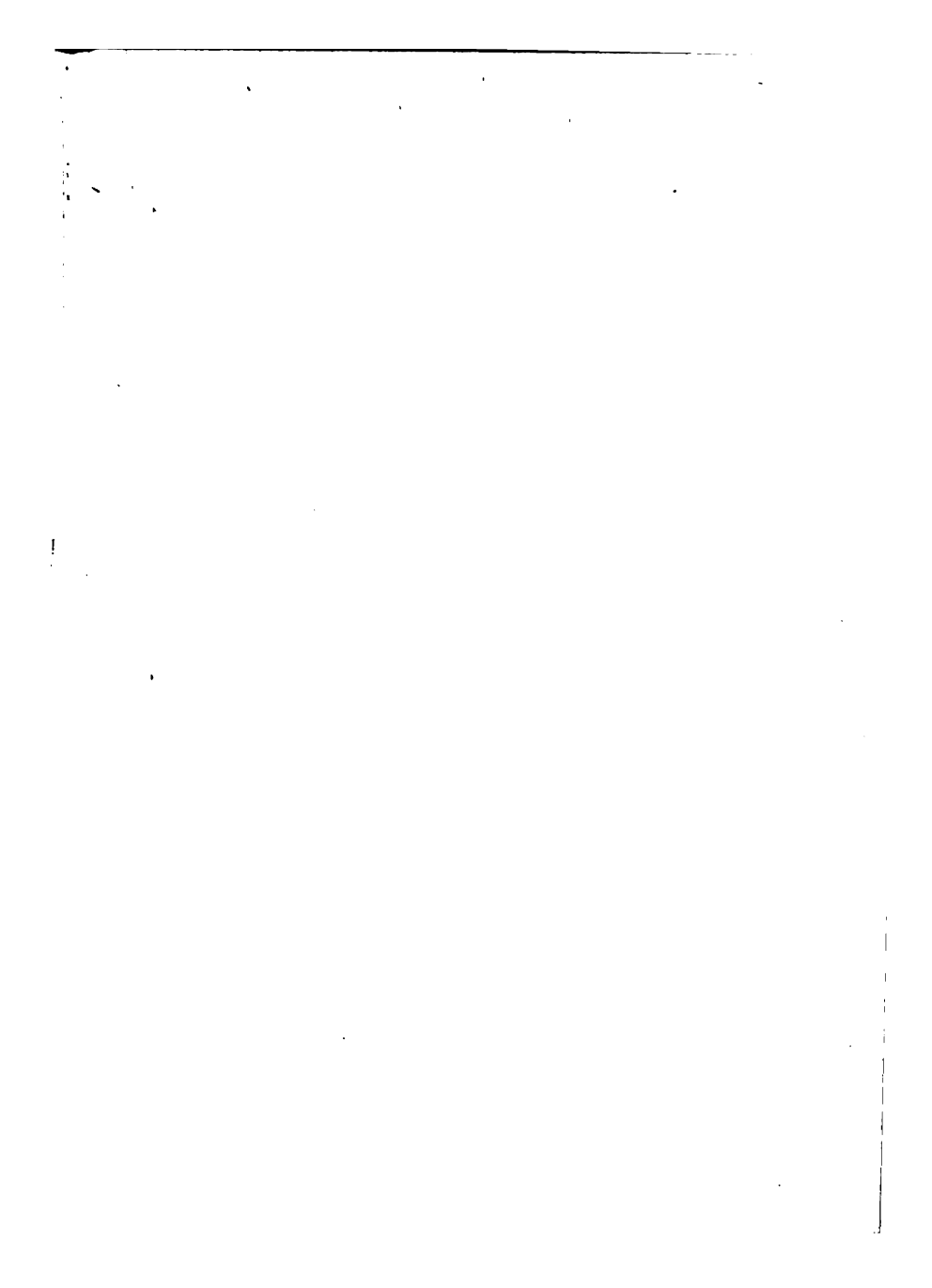
2. The congress shall have power to enforce this article by appropriate legislation.—(1870.)

	PAGE
States and Territories—continued	
104. Rights of States.....	196
105. Duties of States.....	197
106. Territories.....	198
107. District of Columbia.....	198
XXXI. IMPEACHMENTS; PUBLIC OFFICERS; TREASON...	200
108. Impeachments.....	200
109. Public officers.....	201
110. Treason.....	202
XXXII. BILLS OF RIGHTS.....	204
111. General nature.....	204
112. Right to life, liberty, and property.....	204
113. Writ of habeas corpus.....	205
114. Right to bail.....	206
115. Fines and penalties.....	206
116. Rights of accused persons.....	207
117. Religious freedom.....	208
118. Liberty of speech and press.....	209
119. Unreasonable searches and seizures.....	210
120. Slavery.....	211
121. Right to bear arms.....	211
122. Quartering of soldiers.....	211
123. Right of petition.....	211
124. Right of trial by jury.....	212
125. Compensation for taking private property.....	212
126. Equality of citizens.....	212
127. Imprisonment for debt, etc.....	213
128. Rights of aliens.....	213
129. Other rights.....	213
130. Subordination of military power.....	214
131. Duties of the citizen.....	214
CONSTITUTION OF THE STATE OF MICHIGAN.....	219
CONSTITUTION OF THE UNITED STATES.....	278









School Bulletin Publications

NOTE.—BINDING is indicated as follows: B boards, C cloth, L leatherette, M manilla, P paper. Size as follows: 8:416 indicates 8vo, pp. 41; 12:393 indicates 12mo, pp. 393; 16:389 indicates 16mo, pp. 389. Numbers preceding the binding and size give the pages in the Trade Sale catalogue on which the books are described, the fullest description being placed first. Books preceded by a dagger (†) have been added since last year's catalogue.

Books starred may be had also in the Standard Teachers' Library, manilla binding, at 50 cts. each. Unless expressly ordered to be sent in this binding, such volumes are always sent in cloth.

A DAY of My Life, or Everyday Experiences at Eton.	15 C 16:184....	\$1 00
Ackerman (Mrs. M. B.) <i>Review Questions to accompany Hendrick's History of the Empire State.</i>	54 P 12:15.....	05
Adams. Wall Map of the State of New York, 68x74 inches, 44 C.....		5 00
Ahn (F.) <i>Method of Learning the Dutch Language.</i>	41 C 12:135.....	1 25
Aids to School Discipline.	55, 54 Per box 47.....	1 25
Supplied separately; per 100 Merits, 15 cts.; Half Merits, 15 cts.; Cards, 15 cts.; Checks, 40 cts.; Certificates, 50 cts.		
Alden (Joseph). <i>First Principles of Political Economy.</i>	47 C 16:153.....	75
Alexandrow (F.) <i>Method of Learning Russian.</i>	41 C 12:135.....	1 25
<i>Key</i>		25
American Flags.	See page 56.	
Arabic Self-Taught.	41 C 12:104.....	1 25
* Arnold (Thomas). <i>Stanley's Life of, J. S. Carlisle.</i>	18 C 16:252.....	1 00
Ascham (Roger). <i>Sketch of,</i> by R. H. Quick.	18 P 16:55.....	15
— <i>* Biography,</i> by Samuel Johnson.	18 C 16:252.....	1 00
— <i>Complete Works.</i>	18 C 16:321, 273, 376, 374 4 vols.....	5 00
† Attendance Blanks for use under the Compulsory Law of N. Y. (a) First Notice to Parents; (b) Second Notice to Parents; (c) Notice to Attendance Officer. Manilla, 4x9, pp. 100 each. Per dozen, each.....		2 00
† Authors' Birthday Exercises. Poe, Longfellow, Reed, Irving, Walt Whitman, Mrs. Stowe, Hawthorne, Holmes, Cooper, Bancroft, Bryant, Whittier. Each P.....		10
— <i>* The above in one volume.</i>	C 16:320.....	1 00
BALL (J. W.). <i>1000 Questions and Answers in Drawing.</i>	59 L 16:67....	40
— <i>In Instruction in Citizenship.</i>	L 12:53.....	40
* Ballard (Harlan H.). <i>† Pieces to Speak.</i>	C 16:192.....	1 00
Barbera (Piero). <i>Educational Publications in Italy.</i>	15, 29, 87 P 8:14..	15
Bardeen (C. R.). <i>Infection and Immunity.</i>	P 8:20.....	25
— (C. W.). <i>* Manual of School Law.</i>	48, 47, 51 C 16:276.....	1 00
— <i>Geography of the Empire State.</i>	42, 51, 52 C 8:120.....	75
— <i>* Roderick Hume. The Story of a New York Teacher.</i>	48, 13, 15, C 16:235.....	1 25
— <i>The Little Old Man, or the School for Illiberal Mothers.</i>	13 C 16:31....	50
— <i>Verbal Pitfalls.</i> A manual of 1500 misused words.	36, 21 C 16:223..	75

Bardeen (C. W.) <i>The Tax-Payer and the Township System.</i> 19 P 8:20....	25
— <i>Teaching as a Business for Men.</i> 29 P 8:20.....	25
— <i>The Teacher's Commercial Value.</i> 29 P 8:20.....	25
— <i>The Teacher as He Should Be.</i> 23 P 8:24.....	25
— <i>† Fitting Teachers to Places.</i> P 16:70.....	25
— *† <i>The Business Side of Teaching.</i> The above four addresses in one volume. C 16:160.....	1 00
— <i>Effect of the College-Preparatory High School.</i> 23, 29 P 8:5.....	15
— <i>History of Educational Journalism in New York.</i> 15, 29, 25 P 8:45...	40
— <i>The Song Budget.</i> 59 P small 4:76.....	15
— <i>The Song Century.</i> 59 P small 4:37.....	15
— <i>The Song Patriot.</i> 59 P small 4:30.....	15
— <i>The Song Budget Series Combined.</i> 59 C small 4:250.....	50
— <i>Dime Question Books of Temperance Physiology, Book-Keeping, Letter-Writing.</i> 40, 50, 51. Each.....	10
Barnard (Henry). <i>American Journal of Education.</i> Vols. I-V, VIII, IX, XVI, XVII, XXIII, XXIX. Each, Half-turkey, 8: about 800...	5 50
— <i>Letters, Essays, Thoughts on Studies and Conduct.</i> C 8:552.....	3 50
— <i>Kindergarten and Child Culture Papers, etc.</i> C 8:784.....	3 50
— <i>American Pedagogy.</i> C 8:510.....	3 50
— <i>Military Systems of Education.</i> C 8:560.....	5 50
— <i>The Ed's Labors of,</i> by Will S. Monroe. 18 L 16:35.....	50
— (J.) <i>Oral Training Lessons.</i> 39 C 12:136.....	75
Basedow (J. B.) <i>Sketch of,</i> by R. H. Quick. 18 P 16:18.....	15
Bassett (J. A.) <i>Latitude, Longitude, and Time.</i> 33, 32, 42, 51 M 16:42..	25
Bates (J. P.) <i>Methods of Teachers' Institutes.</i> 31 C 12:76.....	60
Batsdorf (J. B.) <i>The Management of Country Schools.</i> 29 P 8:33.....	20
Beebe (Levi N.) <i>First Steps among Figures.</i> 33, 33 C 16:326.....	1 00
— <i>Pupil's Edition.</i> C 16:140.....	45
Beesau (Amable). <i>The Spirit of Education.</i> C 16:325, and Portrait....	1 45
Bell (Andrew). <i>An Old Educational Reformer.</i> 18 C 16:162.....	1 00
Bennett (C. W.) <i>National Education in Europe.</i> 29 P 8:28.....	15
— <i>History of the Philosophy of Pedagogics.</i> 15, 21 L 16:43.....	50
Benton (Emily E.) <i>† The Happy Method in Number.</i> C 8:96.....	75
Binner (Paul). <i>Old Stories Retold.</i> 36, 13 B 16:64.....	25
Blakely (W. A.) <i>Chart of Parliamentary Rules.</i> 33 P 16:4.....	25
Bradford (W. H.) <i>Thirty Possible Problems in Percentage.</i> 32, 51 M 16:34.	25
Briggs (F. H.) <i>Boys and How to Re-Make them.</i> 29 P 8:24.....	25
— <i>Industrial Training in Reformatory Institutions.</i> 29 P 8:24.....	25
Bristol (H. C.) <i>Honesty Cards in Arithmetic.</i> 31 50 cards, 8x4½.....	50
Browne (M. Frances). <i>A Glimpse of Grammar-Land.</i> 36, 37 P 8:24.....	15
• Buckham (Henry B.) <i>Handbook for Young Teachers.</i> 23, 30, 27 C 16:152.....	75
• Buffalo Examination Questions. 1st 4 Years: 1892-6, 52 C 16:318..	1 00
Bugbee (A. G.) <i>Exercises in English Syntax.</i> 30, 40 L 16:85.....	35
— <i>Key to the same.</i> L 16:36.....	35
Bulletin Spelling Pads, 70 pages. Each.....	15
— <i>Absence Record.</i> 51 L pp. 400. 11x11½.....	8 00
— <i>Book-Keeping Blanks.</i> Press-board, 7x8½, pp. 28. Each....	15

Bulletin Composition Book. M 8:44.....	\$ 15
— <i>Class Register.</i> 54 Press-board cover, <i>Three Sizes</i> , (a) 6x7, for terms of 20 weeks; or (b) 5x7, for terms of 14 weeks Pp. 48.....	25
— (c) Like (b) but with one-half more (72) pages.....	35
— <i>Pencil Holder</i> , numbered for 60 pupils. 58.....	2 00
— <i>Ink-Well Filler</i> , holding one quart. 58.....	1 25
— <i>Number Fan.</i> 11x15 inches.....	1 00
Burnham (W. P.) <i>Duties of Outposts U. S. Army.</i> C 24:171.....	50
Burritt (J. L.) <i>Penmanship in Public Schools.</i> P 12:62, and chart.....	60
Butler (Nicholas Murray). <i>The Place of Comenius.</i> 26, 19 P 16:20.....	15
CABANO (Lopes de). <i>Method of Learning Portuguese.</i> 41 C 12:175.....	1 25
— <i>Key</i>	25
Cesar's Conspiracy of the Helvetians. 53 P 16:20.....	10
Canfield (James H.) <i>Rural Higher Education.</i> 28, 29 P 8:24.....	15
* Carlisle (J. S.) <i>Two Great Teachers, Ascham and Arnold.</i> 18 C 16:252.....	1 00
Catalogue of Rare Looks on Pedagogy. P 24:58.....	06
— of School Bulletin Publications. P 16:100.....	06
Cheney (F.) <i>A Globe Manual for Schools.</i> 42 P 16:55.....	25
* Civil Service Question Book. 50 C 16:232.....	1 50
Clarke (Noah T.) <i>Chart of U. S. History.</i> 45 P 8½x12. Each 5c.; per doz. 50	50
Code of Public Instruction , New York, 1888. 47, 53 L 8:1075, net.....	2 50
Colored Crayon , for Blackboard, per box of one dozen, nine colors...	25
Collins (Henry). <i>The International Date Line.</i> 35, 32, 42 P 16:15.....	15
Comenius (John Amos). <i>Orbis Pictus.</i> 19 C 8:232.....	3 00
— * <i>Life and Educational Works</i> , by S. S. Laurie. 19, 18 C 16:272.....	1 00
— <i>Sketch of</i> , by R. H. Quick. 18 P 16:25. (See also Butler, Maxwell)...	15
— <i>Portrait of</i> , P. 22x28.....	1 00
Comfort (George F.) <i>Modern Languages in Education.</i> 28, 29 P 16:40.....	25
— (Geo. F. and Anna M.) + <i>Woman's Education and Woman's Health</i> ; chiefly in reply to "Sex in Education". C 16:155.....	1 00
Constitution of the State of New York. P 16:63.....	10
Cooper (Oscar R.) <i>Compulsory Laws and their Enforcement.</i> 29 P 8:6.....	15
Craig (A. R.) <i>The Philosophy of Training.</i> C 12:377.....	2 00
Crain (J. H.) <i>70 Review Lessons in Geography.</i> 42 P 16:60.....	25
Cube Root Blocks , carried to 3 places. 32.....	1 00
Cyclopædia of Education. 14 C 8:502.....	3 75
DANIELS (Blanche R.) <i>Outlines of English Literature.</i> 41, 53 C 12:102.....	50
Danish and Norwegian Conversation Book. 41 C 24:128.....	75
Davis (W. W.) <i>Suggestions for Teaching Fractions.</i> 32 P 16:43.....	25
— <i>Fractional Apparatus</i> , in box. 32 (Not mallable).....	4 00
De Graff (E. V.) <i>Practical Phonics.</i> 36 C 16:108.....	75
— <i>Pocket Pronunciation Book.</i> 36 M 16:47.....	15
* <i>The School-Room Guide.</i> 22, 30, 31, 51 C 16:405.....	1 50
— <i>Development Lessons.</i> C 8:301.....	1 50
— <i>The School-Room Chorus.</i> 59 B small 4:147.....	35
— <i>Calisthenics and Disciplinary Exercises.</i> 38 M 16:39.....	25
* De Gulmps (Roger). <i>Pestalozzi, his Aim and Work.</i> 20, 18 C 12:331.....	1 50

Denominational Schools. <i>Discussion of 1889.</i> 29 P 8:71.....	\$ 25
Dickinson (John W.) <i>The Limits of Oral Teaching.</i> 6, 26, 39 P 16:24..	15
Diehl (Anna Randall-). <i>A Practical Delsarte Primer.</i> 38, 36 C 16:36....	50
Diplomas , printed to order from any design furnished. Specimens sent.	
55 (a) Bond paper, 14x17, for 25 or fewer.....	5 00
" " " 50.....	6 50
(b) " " 16x20, " 25 or fewer.....	5 50
" " " 50.....	7 25
(c) Parchment, 15x20, " 1.....	3 50
Each additional copy.....	75
Donaldson (James). <i>Lecture on Education.</i> 15 C 16:185.....	1 00
Dudevant (A.) <i>French and English Commercial Correspondence.</i> 41 C 12:167.....	50
Durham (W. H.) <i>Carleton Island in the Revolution.</i> 18 C 16:128.....	1 00
EDUCATION as Viewed by Thinkers. 26, P 16:47.....	15
— * <i>Intellectual, Moral, and Physical</i> , Herbert Spencer. 24, 14, 15, C 16:331.....	1 00
— <i>for the People, in America, Europe, India, and Australia.</i> 15 C 8:176.	1 25
Edwards (A. M.) <i>Graded Lessons in Language.</i> Nos. 1-6. 40 P 8:80, each per dozen.....	31 00
— <i>500 Every Day Business Problems in Arithmetic.</i> 34, 31 500 cards, 1½x3½, with Key.....	50
— <i>500 Pertinent Questions in Civics, with Answers.</i> 31, 47 P 16:54.....	15
— <i>The same, with Questions on 250 slips of cardboard, in box.</i> 31....	50
— <i>Historical Game, "Our Country".</i> 48, 31 100 cards, 2¼x3¾. 31....	50
— <i>Historical Cards.</i> 48, 45, 31 ¾x1¼.	
(a) <i>General History.</i> 200 cards.....	1 00
(b) <i>United States History, Part I.</i> 92 cards.....	50
(c) <i>United States History, Part II.</i> 108 cards.....	50
(d) <i>United States History, Complete.</i> 200 cards.....	1 00
— <i>Outline and Topic Book in U. S. History.</i> P 8:212.....	50
— <i>Geographical Game, "Our Country".</i> 48, 31, 42 100 cards, 2¼x3¾..	50
— <i>Geographical Cards.</i> 43, 31, 42 ¾x1¼.	
(a) <i>Part I. Physical Geography and North America.</i> 100 cards.....	50
(b) <i>Part II. The Rest of the World.</i> 100 cards.....	50
(c) <i>Complete.</i> 200 cards.....	1 00
Emerson (A. W.) <i>Composition and Criticism.</i> 40 L 16:32.....	40
Essays on the Kindergarten. 20, 21 C 12:175.....	1 00
FARNHAM (A. W.) † <i>The Oswego Method of Teaching Geography.</i> 42 C 16:127.....	50
— (Geo. L.) <i>The Sentence Method of Reading.</i> 36 C 16:35.....	50
Fette (W. E.) <i>Dialogues from Dickens.</i> 37 C 16:335.....	1 00
Fitch (Joshua G.) <i>The Art of Questioning.</i> 21, 27, 25, 26, 31 P 16:36....	15
— <i>The Art of Securing Attention.</i> 21, 27, 25, 26, 31 P 16:43.....	15
— <i>Lectures on Teaching, Reading Club Edition.</i> 14 C 12:486.....	1 25
Fletcher (Alfred Ewen.) <i>Sonnenschein's Cyclopaedia of Education.</i> 14 C 8:512.....	8 75
Foreign Languages. See p. 41	

Fowle (Wm. B.) <i>The Teachers' Institute</i> , 81 C 12:238.....	\$1 00
† Fraction Play. <i>A Game for Young Arithmeticians</i> . 52 cards 2½x3½	25
Franck (F.) <i>The German Letter-Writer</i> , with the Forms of Polite Correspondence, and English Explanatory Notes. 41 P 16:112.....	40
* Franklin (Benj.) <i>Autobiography</i> . C 16:241.....	1 00
Fröbel (Friedrich). <i>Autobiography of</i> . 20, 18, 21 C 12:188.....	1 50
— † Letters on the Kindergarten . 20 C 12:331.....	1 50
GAINES (J. T.) <i>Principles of Teaching</i> . 29 P 8:63.....	20
Geometry Test Papers , by Wm. Smith. 35 Packages of 100, 8¼x10....	1 00
Geddes (Patrick). <i>Industrial Exhibitions</i> . P 16:57.....	25
German Self-Taught . 41 P 16:87.....	40
Gill (John). <i>School Management</i> . 14 C 16:276.....	1 00
Globes . See page 44.	
Godard (Harlow). <i>An Outline Study of U. S. History</i> . 44, 51 L 16:146...	50
Goethe (J. F. von). <i>Egmont, with English Notes</i> . 41 C 16:140.....	40
Gore (J. Howard). <i>Manual of Parliamentary Practice</i> . 38, 36 C 16:112.	50
Goulding (Matilda P.) <i>Flores: A Botanical Game</i> . 39, 31 48 cards, 2½x3¼.....	50
Granger (Oscar). <i>Metric Tables and Problems</i> . 32 M 16:23.....	25
Grant (James). <i>History of the Burgh Schools of Scotland</i> . 15 C 8:591....	3 00
Grasby (W. Catton). <i>Teaching in Three Continents</i> . 15 C 12:344.....	1 50
Gray (Thos. J.) <i>Methods and Courses in Normal Schools</i> . 29 P 8:19.....	15
Griffin (J. da L.) <i>Topical Geography, with Methods</i> . 42 L 12:142.....	50
Griffith (Geo.) <i>Outline Blackboard Maps</i> . 42. Per set.....	8 00
Groszmann (M. P. E.) † A Working Manual of Child Study . C 16:75..	50
— † The Common School and The New Education . P 16:46.....	25
HAHN (F.) <i>The Child's German Book</i> . 41 P 16:87.....	40
Hallmann (W. N.) <i>Primary Kindergarten Helps</i> . 21, 20 B 8:58.....	75
— <i>The New Education</i> . Vol. VI and last. 20 C 8:146.....	2 00
— <i>Sketches from the History of Education</i> . 15, 29 P 8:39.....	20
Hall (Marcella W.) <i>Orthoepy Made Easy</i> . 36 C 16:160.....	75
Hamilton Declamation Quarterly . Vol. I. (all published). 37, 36 C 16:337.....	1 00
Harlow (W. B.) <i>Early English Literature</i> . 41 C 16:138.....	75
Harris (W. T.) <i>Natural Science in the Public Schools</i> . 39 L 16:50.....	50
— <i>Art Education The True Industrial Education</i> . 29 L 16:77.....	50
— <i>Horace Mann</i> . 26 L 16:50.....	50
— <i>The Theory of Education</i> . 26 P 16:54.....	15
— <i>The Educational Value of Manual Training</i> . 29, P 8:14.....	15
— <i>University and School Extension</i> . 29 P 8:12.....	15
— <i>The General Government and Public Education</i> . 29 P 8:8.....	15
— <i>Report on Pedagogical and Psychological Observation</i> . 29, 25 P 8:5... 15	
Hazlitt (Wm.) <i>Schools, Schoolbooks, and Schoolmasters</i> . 15 C 12:300....	2 00
Heermans (Forbes). <i>Stories of the Far West</i> . C 16:260... ..	1 25
* Helps to Self-Culture . C 16:241.....	1 00
Hendrick (Mary F.) <i>Questions in Literature</i> . 41 B 16:100.....	35
— (W.) <i>"The Table is Set."</i> A Comedy for Schools. 37, 36 16:20...	15
— <i>School History of the Empire State</i> . 52, 51 C 12:218.....	75

Hendrick (W.) <i>Review Questions for History.</i> 54 P 16:16.....	\$ 05
Hennig (Carl V.) <i>Anatomical Manikin.</i> 38 M 8:18.....	1 00
Hinsdale (B. A.) <i>Pedagogical Chairs in Coll-ges</i> 29 P 8:11.....	15
— <i>Schools and Studies.</i> C 12:362.....	1 50
Hoose (James H.) <i>Studies in Articulation.</i> 36 C 16:70.....	50
— <i>On the Province of Methods of Teaching</i> 31 C 16:376.....	1 00
— <i>Pestalozzian First-Year Arithmetic.</i> 33, 20, 32 B 16:217.....	50
<i>Pupils' Edition.</i> B 16:156.....	35
— <i>Second Year Arithmetic.</i> B 16:236.....	50
Hornstone Slating , the best crayon surface made. 57, per gallon....	8 00
— <i>Slated Paper</i> , per square yard (if by mail, 60 cts.) 57.....	50
Hoss (Geo. H.) <i>Memory Gems.</i> 37, 36, 41 P 16:40.....	15
Hotchkiss (Viala P.) <i>Lessons in Object Drawing.</i> 59 L 4:32.....	50
Houghton (W. R.) <i>Political Conspectus of U. S. History.</i> 45 C 18x91... 2 00	
Hughes (James L.) <i>Mistakes in Teaching.</i> 21, 30, 31 C 16:135.....	50
— <i>How to Secure and Retain Attention.</i> 21, 25, 31 C 16:98.....	50
Huntington (Rt. Rev. F. D.) <i>Unconscious Tuition.</i> 26, 27, 28 P 16:45..	15
Hutton (H. H.) <i>A Manual of Mensuration.</i> 35, 32 B 16:168.....	50
IRVING (Washington). † <i>Rip Van Winkle, With Darley's Illustrations</i> P 16:35.....	15
Italian and English Correspondence. 41 P 12:90.....	50
JACKSON (E. P.) <i>Class Record Cards.</i> 54 90 white and 10 colored cards.....	50
Jacotot (Joseph). <i>Sketch of</i> , by R. H. Quick. P 16:28.....	15
Jennings (Arthur C.) † <i>Chronological Tables of Ancient History.</i> C 8:120 1 00	
Jewell (F. S.) <i>Grammatical Diagrams.</i> 40 C 12:207.....	75
Johnson's Chart of Astronomy. On enamelled cloth, 40x46 inches....	3 50
Jones (Richard). † <i>The Growth of the Idyls of the King.</i> C 12:161....	1 50
Julland (Anna M.) <i>Brief Views of U. S. History.</i> 44 L 16:69.....	35
KAROLY (Akin). <i>The Dilemmas of Labor and Education.</i> C 12:77... 1 00	
Kay (David). <i>Education and Educators.</i> C 12:490.....	2 00
Keller (C.) <i>Monthly Report Cards.</i> 54 2½x4 inches. Per hundred....	1 00
Kennedy (John). <i>The Philosophy of School Discipline.</i> 26 P 16:23.....	15
— <i>Must Greek Go?</i> 28 L 16:86.....	50
Kiddle (Henry) <i>3,000 Grammar Questions</i> , with Answers 40, 51 C 16:220. 1 00	
Kindergarten Essays. 20, 21 C 12:175.....	1 00
Knott (E. E.) <i>The Ready Reference Law Manual.</i> 47 C 8:381.....	2 00
* LANDON (Jos.) † <i>School Management.</i> C 16:376.....	1 25
Lane (Fred H.) <i>Elementary Greek Education.</i> 15 L 16:85.....	50
* Laurie (S. S.) <i>John Amos Comenius</i> 19, 18 C 16:272.....	1 00
Lawrence (E. C.) <i>Recreations in Ancient Fields.</i> C 12:177.....	1 00
Lees (James T.) <i>The Claims of Greek.</i> 28 P 8:16.....	25
Locke (John). <i>Sketch of</i> , by R. H. Quick. P 16:27.....	15
Lowrie (R. W.) <i>How to obtain Greatest Benefit from a Book.</i> 41 P 8:12..	25
Lyttleton (E.) † <i>Mothers and Sons; or the Problem of Home Training.</i> 12:200	1 50
M'CULLY'S Perforated Erasers. 57. Per doz.....	1 00
* Mace (W. H.) <i>A Working Manual of American History.</i> 44 C 16:297... 1 00	

McCosh (James). <i>Higher Education and a Common Language.</i> 28 C 8:120.....	75
McKay (John S.). <i>100 Experiments in Natural Science.</i> 39 P 16:50.....	15
* Mann (Horace). <i>Thoughts for a Young Man.</i> C 16:241.....	1 00
— <i>Sketch of</i> , by W. T. Harris. L 16:50.....	50
Maps for the Wall. See page 44.	
Maps, Relief Maps. Switzerland. 42, 44 11x17½, \$3.50; 23x34, \$10.00.	
— Palestine 22x35.....	10 00
— <i>Griffith's Outline Blackboard Maps.</i> 42 Per set.....	8 00
— <i>Dissected Maps.</i> United States sawn into States.....	75
— <i>The Same</i> , New York State sawn into Counties.....	75
— <i>Onondaga County.</i> 44 Cloth, 4x4½ feet.....	10 00
— <i>New York State.</i> 44 Cloth, 6x7½ inches.....	5 00
— <i>Outline Maps (8x9) of New York.</i> 42. Per pad of 50.....	15
— <i>Political maps.</i> See page 44.	
Marble (A. P.). <i>Powers of School Officers.</i> 29, 47 P 16:27.....	15
Marchetti (G.). <i>Method of Learning Italian.</i> 41 C 12:218.....	1 20
— <i>Key.</i>	35
Marenholtz-Buelow (Baroness) <i>School Work-shop.</i> 26 P 16:27.....	15
— <i>Child and Child Nature.</i> Froebel's Ed'l Theories. 20, 21, 25 C 12:207.	1 50
Maudsley (H.). <i>Sex in Mind and Education.</i> 25, 26 P 16:42.....	15
Maxwell (W. H.). <i>Examinations as Tests for Promotion.</i> 29 P 8:11.....	15
— <i>The Text-Books of Comenius</i> , with cuts from the <i>Orbis Pictus.</i> 19 8:24.....	25
Meese (John D.). <i>Facts in Literature.</i> 41 P 16:38.....	15
Meiklejohn (J. M. D.) <i>The New Education.</i> 20, 21, 26 L 16:47.....	50
— <i>An Old Educational Reformer</i> (Dr. Andrew Bell.) 18 C 16:182.....	1 00
Meissner (M.). <i>Method of Learning German.</i> 41 C 12:238.....	1 25
Michael (O. S.). <i>Algebra for Beginners.</i> 35, 51 C 16:120.....	75
* Michigan , <i>Government Class Book of</i> , Nichols, 47 C 16:308.....	1 00
Mill (John Stuart). <i>Inaugural Address at St. Andrews.</i> 29 P 8:31.....	25
Miller (Warner). <i>Education as a Dep't of Government.</i> 29 P 8:12.....	15
Mills (C. De B.). <i>The Tree of Mythology.</i> C 8:281.....	3 00
Milne (James M.). <i>Teachers' Institutes, Past and Present</i> 15 P 8:22.....	25
Milton (John). <i>A Small Tractate of Education</i> 26, 28 P 16:26.....	15
— <i>Sketch of</i> , by R. H. Quick. P 16:55.....	15
Minutes of the International Congress of Education , 1889. 28 C 12:4 vols.	5 00
Missouri , <i>Civil Government of</i> , Northam. 47 C 16:151.....	75
Monroe (Will S.). <i>Labors of Henry Barnard.</i> 18, L 16:35.....	50
Morey (Amelia). <i>Outline of Work in Elementary Language.</i> 40 C 16:139.	50
Mottos for the School Room. 7x14. Per set.....	1 00

NEW YORK Question Book , with all the Questions of the Uniform, State, Cornell, Scholarship, and Normal Entrance Examinations, to March 31, 1890, with Answers. 51, 52. 8:461. P \$1.00; C.....	2 00
— <i>The same</i> , Supplement No. 1, to June, 1891. 51, 52 M 8:63.....	25
— <i>The same</i> , Supplement No. 2, to June, 1892. 51, 52 M 8:139.....	25
— <i>The same</i> , Supplements Nos. 1 and 2, in one volume. C 8:202.....	1 00

New York Uniform Questions

— * <i>The same</i> , Uniform only, Supplements No. 3, 1892-3; No. 4, 1893-4; No. 5, 1894-5; No. 6, 1895-6; No. 7, 1896-7; 51, 52 each C.....	\$1 00
— * <i>The same</i> , Questions in Drawing, Aug., 1892, to Aug., 1896. 51, 59 16:221.....	1 00
— <i>The same</i> , Questions in Algebra, Book-keeping, Physics. 51 M 16:65.	25
— <i>The same</i> , Questions in American History. 51 M 16:78.....	25
— <i>The same</i> , Questions in Arithmetic. 32, 51 M 16:49.....	25
— <i>The same</i> , † Questions in Civil Gov't, and School Law. M. 16:92..	25
— <i>The same</i> , Questions in Geography. 42, 51 M 16:73.....	25
— <i>The same</i> , † Questions in Grammar. M 16:75.....	25
— <i>The same</i> , Questions in Methods and School Economy. 51 M 16:65.	25
— <i>The same</i> , Questions in Physiology. 51 M 16:69.....	25
— * <i>State Examination Questions</i> to 1894. C 16:402.....	1 00
— <i>The same</i> , for 1895. P 16:27	10
— <i>The same</i> , for 1896. P 16:29.....	10
— † <i>The same</i> , for 1897. P 16:29.....	10
— <i>The Questions in Book keeping, with Answers</i> . 50 P 16:31.....	10
— <i>History of the Empire State</i> , Hendrick. 52, 51 C 12:23.....	75
— <i>Civil Government of the State of</i> , Northam. 47 C 16:231.....	75
— <i>Code of Public Instruction</i> . Latest edition. 47, 52 L 8:1075.....	2 50
— <i>Natural History, and Cabinet Reports</i> . Write for information.	
* <i>Nichols</i> (Chas. W.) † <i>Government Class-Book of the State of Michigan</i> . C 16:308	1 00
Northam (Henry C.) <i>Civil Government of N. Y.</i> 47, 51, 52 C 16:231....	75
— <i>The same for Missouri</i> . 47 C 16:151.....	75
— <i>Fixing the Fac's of American History</i> . 44 C 16:300.....	75
— <i>Conversational Lessons Leading to Geography</i> . P 16:39.....	25
Northend (Chas.) <i>Memory Selections</i> . Three Series. 37, 36, 41. Each.	25
— * <i>The Teacher and Parent</i> . 28, 29 C 16:350.....	1 00
Northrop (B. G.) 28 <i>High Schools</i> . P 8:26.....	25
Northrup (A. J.) <i>Camps and Tramps in the Adirondacks</i> . 13 C 16:302. 1	25
Number Lessons . On card-board, 7x11, after the Grubb Method.....	10
Numeral Frames . 32 100 balls \$1.25; 144 balls, \$1.50.	
OSWALD (John). <i>Dictionary of English Etymology</i> . 40 C 16:306.....	2 00
* PAGE (David P.) <i>The Theory and Practice of Teaching</i> . 23 C 16:448. 1	00
Palmer (C. S.) <i>Physiology Cards, for Teachers</i> . 70 cards. 2½x3½.....	50
Pardon (Emma L.) <i>Oral Instruction in Geography</i> . 42 P 16:29.....	15
Parsons (James Russell, jr.) <i>Prussian School's</i> . 15 C 8:91.....	1 00
— <i>French Schools through American Eyes</i> . 15 C 8:130.....	1 00
* Patrick (J. N.) <i>Ele nent's of Pedagogy</i> . 21 C 16:422.....	1 00
— <i>Pedagogical Pebbles</i> . C 16:96.....	50
Pattee (F. L.) <i>Literature in Public Schools</i> . 29 P 8:48.....	20
Payne (Joseph). <i>Lectures on the Art of Education</i> . 14 C 16:281.....	1 00
Payne (W. H.) <i>A Short History of Education</i> . 15 C 16:105.....	50
Pedagogical Primers . Each.....	25
1. <i>School Management</i> . 30 M 16:45. 2. <i>Letter-Writing</i> . 40 M 16:37.	
Perez (B.) <i>The First Three Years of Childhood</i> . 27, 21, 20, 25 C 16:295..	1 50
— <i>Tiedemann's Record of Infant Life</i> . 27, 25, 26 M 16:46.....	15

Periodicals. <i>The School Bulletin.</i> 12, 51 Monthly, 16 pp., 10x14. Per year.....	1 00
— Bound Vols. I-XXIII. C 4:200 pp., each.....	2 00
— <i>The Hamilton Declamation Quarterly.</i> Bound volume I. 37 C 16:337.	1 00
— <i>The School Room.</i> Bound volumes I-V. Each.....	1 50
— <i>The New Education.</i> Bound volume VI. 20 C 8:146.....	2 00
* Pestalozzi (J. H.) <i>His Aim and Work</i> , De Guimps. 20, 18 C 16:236....	1 50
— <i>Sketch of</i> , by R. H. Quick. 20 P 16:40.....	15
— <i>How Gertrude Teaches her Children.</i> 20 C 12:320.....	1 50
— <i>Pestalozzian Arithmetics.</i> 83, 20, 32 B 1st Year, 16:217. 2d Year, 16:236. Each.....	50
Pick (Dr. E.) <i>Dr. Pick's French Method.</i> L 16:118.....	1 00
— <i>Memory, and the Rational Means of Improving it.</i> 25 C 16:193.....	1 00
Pitcher (James). <i>Outlines of Surveying and Navigation.</i> C 16:121.....	50
Plumb (Chas. G.) <i>Map Drawing of New York.</i> M 8:16.....	25
Pooler (Chas. T.) <i>Chart of Civil Government.</i> 47, 52 P 12x18, per hun....	5 00
— <i>Hints on Teaching Orthoepey.</i> 86 P 16:15.....	10
Preece (Mrs. Louise). <i>Physical Culture. Illustrated.</i> 38 C 4:292.....	2 00
Prentice (Mrs. J. B.) <i>Review Problems in Arithmetic.</i> 53, 32 P 16:93....	20
— <i>Key to the above.</i> 53, 32 P 16:20.....	25
— <i>Review Questions in Geography.</i> 53, 42 P 16:48.....	15
Primers of School Management and of Letter-Writing. 30 M pp. 45, 37. Each.....	25

* **QUICK** (R. H.) *Essays on Educational Reformers.* 15, 18 C 12:331.... 1 00

REDWAY (J. W.) <i>School Geography of Pennsylvania.</i> 42 L 16:98.....	35
Regents' Examination Paper. 54. Per 1,000 half-sheets in box....	3 00
— Examination Pens. 54. $\frac{1}{4}$ gross, 25 cts. Per gross, post-paid... 1 00	
— Examination Record. 54. For 432 scholars, \$3.00; 864 scholars. 6 00	
— Examination Syllabus , in U. S. History. 54, 45. P per dozen....	50
— Fourth Year Latin. <i>Cæsar's Conspiracy.</i> 53 P 16:20.....	10
— Questions to June, 1882. <i>Eleven editions.</i>	
1. <i>Complete with Key.</i> 49, 53 C 16:476.....	2 00
2. <i>Complete.</i> Same as above, but without the answers. Pp. 333... 1 00	
3. <i>Arithmetic.</i> The 1,293 questions in Arithmetic. 32 M 16:93.....	25
4. <i>Key to Arithmetic.</i> Answers to the above. M 16:20.....	25
5. <i>Geography.</i> The 1,967 questions in Geography. 51, 42 M 16:70..	25
6. <i>Key to Geography.</i> Answers to the above. M 16:36.....	25
7. <i>Grammar.</i> The 2,976 questions in Grammar. M 16:109.....	25
8. <i>Grammar and Key.</i> 40, 51 C 16:198.....	1 00
9. <i>Key to Grammar.</i> M 16:38.....	25
10. <i>Spelling.</i> The 4,800 words given in Spelling. M 16:61.....	25
— Entire Questions , all subjects (no answers), for years 1895, 1896, 49 C 85:424, 500. Each.....	1 00
— Selections in American, German, and French Literature. 41, 53 L 16:93. 25 cents. With music, 35 cts. Each language separate, P. 10	
* Rein (W.) <i>Outlines of Pedagogics.</i> 24 C 16:232.....	1 25

Reinhart (A.) <i>Neglect of Bodily Development of American Youth.</i> 38 P 8:15.....	3	25
Richardson (B. W.) <i>Learning and Health.</i> 26 P 16:39.....	15	15
Robinson (A. H.) <i>Numeral School Register.</i> 54 M 2:16.....	25	25
Rooper (T. G.) <i>Apperception, or "A Pot of Green Feathers".</i> 25 L 16:59.....	50	50
— <i>Object Teaching, or Words and Things.</i> 39, 31, 20 L 16:56.....	50	50
Rosevear (Elizabeth). † <i>A Manual of Needlework, Knitting, and Cutting Out.</i> C 16:136 ..	60	60
Rousseau (J. J.) <i>Sketch of,</i> by R. H. Quick. P 16:30.....	15	15
Russian Conversation Book. 41 C 24:130.....	75	75
Ryan (G. W.) <i>School Record.</i> 54 P 56 blanks on each of 14 sheets.....	50	50
SABIN (Henry). "Organization" vs. Individuality. 29 P 8:9.....	25	25
Salvo (D.) <i>Method of Learning Spanish.</i> 41 C 12:216.....	1	20
— <i>Key.</i> P 12:33.....	25	25
— <i>Spanish and English Idiomatic Phrases.</i> 41 C 24:160.....	75	75
— <i>Spanish and English Commercial Correspondence.</i> 41 P 12:109.....	50	50
Sanford (H. R.) <i>The Word Method in Number.</i> 34 6x3, 45 cards.....	50	50
— <i>The Limited Speller.</i> 51 L 16:104.....	25	25
Sayce (A. H.) <i>An Assyrian Grammar.</i> 41 C 12:204.....	3	00
Schepmoes (A. E.) <i>Rise of the New York School System.</i> L 16:32.....	25	25
Schiller (J. C. F. von). <i>Marie Stuart.</i> B 16:163.....	40	40
— <i>Die Jungfrau von Orleans.</i> B 16:157.....	40	40
— <i>Wilhelm Tell.</i> B 16:165.....	40	40
— <i>Der Neffe als Onkel.</i> B 16:72.....	40	40
School Room Classics. 26 P 16:40, each.....	15	15
I. Huntington's <i>Unconscious Tut-</i>		
tion.		
II. Fitch's <i>Art of Questioning.</i>		
III. Kennedy's <i>Philosophy of School</i>		
<i>Discipline.</i>		
IV. Fitch's <i>Art of Securing Atten-</i>		
<i>tion.</i>		
V. Richardson's <i>Learning and</i>		
<i>Health.</i>		
VI. Meiklejohn's <i>New Education.</i>		
VII. Milton's <i>Tractate of Education.</i>		
VIII. Von Buelow's <i>School Work-</i>		
<i>shop.</i>		
IX. Maidsley's <i>Sex in Mind and in</i>		
<i>Education.</i>		
X. <i>Education as Viewed by Think-</i>		
<i>ers.</i>		
XI. Harris's <i>Horace Mann.</i>		
XII. Dickinson's <i>Oral Teaching.</i>		
XIII. Tiedemann's <i>Record of Infant</i>		
<i>Life.</i>		
XIV. Butler's <i>Place of Comenius in</i>		
<i>Education.</i>		
XV. Harris's <i>Theory of Education.</i>		
Schreber (D. G. R.) <i>Home Exercises for Health and Cure.</i> 38 C 16:91.....	50	50
Seiderstruck (J. H. P.) <i>Easy method of Learning Latin.</i> 41 C 12:144.....	1	25
Shaw's Scholar's Register. 54 P 12:16. Per doz.....	50	50
Sheely (Aaron). <i>Anecdotes and Humors of School Life.</i> C 12:250.....	1	50
Sherrill (J. E.) <i>The Normal Question Book.</i> C 12:405.....	1	00
Shirriff (Emily). <i>The Kindergarten System.</i> 20, 21 C 12:200.....	1	50
Skinner (Chas. R.) <i>The Arbor Day Manual.</i> 37, 13, 36, 41 C 8:475.....	2	50
— <i>The New York Question Book.</i> C 8:461. See New York.....	2	00
Smith (C. F.) <i>Honorary Degrees in American Colleges.</i> 29 P 8:9.....	15	15
— (Edward). <i>History of the Schools of Syracuse.</i> 15, 22 C 8:347.....	8	00
— (Geo. M.) <i>Vocabulary to Caesar's Gallic War.</i> 53 C 16:67.....	50	50
— (Wm.) <i>Geometry Test Papers</i> 35 P Package of 100, 8½x10.....	1	00